

1 Michael B. Reynolds, Bar No. 174534
mreynolds@swlaw.com
2 Colin R. Higgins, Bar No. 268364
chiggins@swlaw.com
3 Cameron J. Schlagel, Bar No. 320732
cschlagel@swlaw.com
4 SNELL & WILMER L.L.P.
600 Anton Blvd., Suite 1400
5 Costa Mesa, California 92626-7689
Telephone: 714.427.7000
6 Facsimile: 714.427.7799

7 Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 SO CAL TOP GUNS, INC., a
12 California nonprofit public benefit
corporation; SAFARI CLUB
13 INTERNATIONAL, an Arizona
nonprofit corporation; THE UNITED
14 STATES SPORTSMEN’S
ALLIANCE FOUNDATION, an
15 Ohio nonprofit corporation; and
CONGRESSIONAL
16 SPORTSMEN’S FOUNDATION,

17 Plaintiffs,

18 v.

19 ROB BONTA, in his official
20 capacity as Attorney General of the
State of California; and DOES 1-25,
21 inclusive,

22 Defendants.

Case No. 2:22-at-819

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Snell & Wilmer
LLP
LAW OFFICES
1920 Main Street, Suite 1200
Irvine, California 92614-7230
(949) 253-2700

1 Plaintiffs So Cal Top Guns, Safari Club International, and The United States
2 Sportsmen’s Alliance Foundation (jointly, “Plaintiffs”), through their counsel, bring
3 this action against Defendant Rob Bonta, in his official capacity as Attorney
4 General of the State of California (“Defendant”), and make the following
5 allegations:

6
7 **INTRODUCTION**

8 1. California has for years attempted to unconstitutionally regulate
9 firearm industry members’ First Amendment right to engage in truthful marketing
10 and advertising concerning lawful products and services. Indeed, this Court
11 previously invalidated California’s attempt to regulate firearm industry members’
12 constitutionally protected speech in 2018. *Tracy Rifle & Pistol LLC v. Harris*, 339
13 F. Supp. 3d 1007 (E.D. Cal. 2018). This action is the next chapter in that ongoing
14 saga.

15 2. Through this Complaint, Plaintiffs seek to have declared and adjudged
16 unconstitutional, and to enjoin the enforcement of, California Business &
17 Professions Code section 22949.80 (“Section 22949.80”), added by Assembly Bill
18 2571 (“AB 2571”), 2022 Cal. Stats., Ch. 77, § 2, which prohibits “firearm industry
19 members,” like Plaintiffs, from advertising or marketing any firearm-related
20 product in a manner that is “designed, intended, or reasonably appears to be
21 attractive to minors.” Cal. Bus. & Prof. Code § 22949.80(a)(1). On its face and as
22 applied, Section 22949.80 violates the First, Fifth, and Fourteenth Amendments to
23 the United States Constitution.

24 3. The sale, purchase, possession and lawful use of firearms and
25 ammunition is not only legal—it is constitutionally protected by the Second
26 Amendment. *See District of Columbia v. Heller*, 554 U.S. 570, 616–19 (2008);
27 *Jones v. Bonta*, 34 F.4th 704, 715–16 (9th Cir. 2022); *Bauer v. Becerra*, 858 F.3d
28 1216, 1222–23 (9th Cir. 2017). The Second Amendment likewise protects the right

1 of minors to bear arms and maintain proficiency in their use, subject to limited and
2 well-established historical regulations such as those requiring adult approval and
3 supervision. *See Jones*, 34 F.4th 720–23 (finding that “young adults have Second
4 Amendment protections”); *Ezell v. City of Chicago*, 846 F.3d 888, 896 (7th Cir.
5 2017) (recognizing that teenagers have these rights under the Second Amendment);
6 *see also N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2127, 2129–
7 30 (2022) (Second Amendment codifies a “pre-existing right” and is subject to text-
8 and-history scrutiny).

9 4. The First Amendment, in turn, protects both pure ideological and
10 political speech, as well as honest, nonmisleading commercial speech promoting
11 lawful products or services, especially when the products or services are themselves
12 protected by the Constitution. *See, e.g., Bolger v. Youngs Drug Prods.*, 463 U.S.
13 60, 69 (1983) (invalidating ban on mailing contraceptive advertisements because
14 such advertising related to constitutionally protected activity). Even if California
15 believes that minors’ exposure to firearm-related advertising may sometimes have
16 negative consequences, “the ‘fear that people would make bad decisions if given
17 truthful information’ cannot justify content-based burdens on speech.” *Sorrell v.*
18 *IMS Health Inc.*, 564 U.S. 552, 575–76 (2011).

19 5. Section 22949.80 imposes unconstitutional content- and speaker-based
20 restrictions on protected speech that, in practice, are viewpoint-discriminatory and
21 heavily burden the rights of “firearm industry members” to advertise accurate
22 information about programs promoting the use of firearms and firearm-related
23 services, such as instruction and education.

24 6. Furthermore, because law-abiding young adults have a right to bear
25 arms and maintain proficiency in their use—rights guaranteed by the Second
26 Amendment—the First Amendment prevents California from enforcing Section
27 22949.80’s ban on advertising firearm-related products to minors.
28

1 7. Section 22949.80 also prohibits Plaintiffs from advertising their
2 firearm-related programs, where Plaintiffs peacefully and lawfully assemble and
3 associate with each other and other members, including minors. That prohibition
4 infringes on Plaintiffs’ First Amendment rights to free association and assembly.
5 *See NAACP v. Patterson*, 357 U.S. 449, 462 (1958).

6 8. Likewise, because Section 22949.80’s ban on advertising prohibits a
7 substantial amount of protected speech, it is facially invalid under the First
8 Amendment overbreadth doctrine. *See United States v. Williams*, 553 U.S. 285,
9 292 (2008).

10 9. Putting the facial overbreadth of Section 22949.80’s ban aside, the
11 statute is unduly vague in violation of the Constitution’s due process guarantee.

12 10. The Constitution requires laws to give “the person of ordinary
13 intelligence a reasonable opportunity to know what is prohibited.” *Grayned v. City*
14 *of Rockford*, 408 U.S. 104, 108–09 (1972). Further, “if arbitrary and discriminatory
15 enforcement is to be prevented, laws must provide explicit standards for those who
16 apply them.” *Id.* A law is unconstitutionally vague when it “impermissibly
17 delegates basic policy matters to policemen, judges, and juries for resolution on an
18 ad hoc and subjective basis, with the attendant dangers of arbitrary and
19 discriminatory applications.” *Id.* (footnotes omitted).

20 11. Section 22949.80 is unduly vague in multiple respects. For example,
21 its definition of the term “marketing or advertising” includes not only advertising
22 communications that propose an economic transaction, like the purchase of a
23 firearm, but also any communication made in exchange for monetary compensation
24 by a “firearm industry member” to encourage “recipients of the communication to
25 purchase *or use* the product *or service*.” Cal. Bus. & Prof. Code § 22949.80(a)(1),
26 (c)(6) (emphasis added). Moreover, Section 22949.80 impermissibly delegates to
27 “a court” the determination, on an ad hoc and subjective basis, of whether a
28 marketing or advertising communication “reasonably appears to be attractive to

1 minors,” without providing an explicit standard for application of the law. Instead,
2 Section 22949.80(a)(2) mandates a “totality of the circumstances test” that includes
3 consideration of six *non-exclusive*, subjective factors. *Id.* § 22949.80(a)(2). That
4 test alone renders the statute unconstitutionally vague in all of its applications.

5 12. Finally, Section 22949.80 violates the Fourteenth Amendment’s
6 guarantee of equal protection of the laws because it is a viewpoint-discriminatory
7 and animus-based prohibition against Plaintiffs’ constitutionally protected speech
8 that does not serve any compelling government interest.

9 13. Plaintiffs therefore seek a declaration that Section 22949.80 violates
10 Plaintiffs’ rights under the First, Fifth, and Fourteenth Amendments, and an
11 injunction prohibiting enforcement of the unconstitutional statute.

12 JURISDICTION AND VENUE

13 14. This Court has federal question subject matter jurisdiction under 28
14 U.S.C. § 1331 because Plaintiffs’ First through Sixth Claims for Relief arise under
15 the Constitution and laws of the United States and, thus, present federal questions.
16 This Court also has jurisdiction under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983
17 because this action seeks to redress the deprivation, under color of the laws,
18 statutes, ordinances, regulations, customs, and usages of the State of California and
19 political subdivisions thereof, of rights, privileges, or immunities secured by the
20 United States Constitution.

21 22. Plaintiffs’ claims for declaratory and injunctive relief are authorized by
22 28 U.S.C. §§ 2201 and 2202, respectively, and their claim for attorneys’ fees is
23 authorized by 42 U.S.C. § 1988.

24 25. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)
25 because the events giving rise to Plaintiffs’ claims for relief occurred in this district.
26 Venue is also proper in this district under 28 U.S.C. §§ 1391 because the venue
27 rules of the State of California specifically would permit this action to be filed in
28

1 Sacramento County because the Attorney General and California Department of
2 Justice (“Cal DOJ”) maintain an office within Sacramento County. *See* Cal. Civ.
3 Proc. Code § 401(1).

4
5 **PARTIES**

6 ***Plaintiff SoCal Top Guns***

7 17. Plaintiff So Cal Top Guns (“SCTG”) is an I.R.C. § 501(c)(3)
8 California nonprofit corporation with its principal place of business in the County
9 of Orange, California.

10 18. SCTG’s mission is to establish, maintain, and administer a youth
11 shooting program in California that promotes firearm safety awareness and
12 competition in youth shooting competitions at the local, state, regional, and national
13 levels.

14 19. SCTG’s youth shooting programs emphasize firearm safety,
15 responsible handling of firearms, proper shooting techniques, and improving
16 participants’ shooting skills.

17 20. To that end, SCTG currently offers weekly and six-week shotgun
18 shooting programs for youths ages 10 to 17. The cost of the program is \$60 per
19 week or \$300 for the six-week course.

20 21. SCTG’s youth shooting program is conducted at a licensed shooting
21 range located in Corona, California, where “firearm-related products” are sold and
22 used.

1 22. SCTG’s official logo, which appears on SCTG’s website and in its
2 marketing materials related to the youth shooting program, is a cartoon graphic of a
3 grimacing clay pigeon accompanied by the text “So Cal Top Guns Inc., Youth
4 Shooting Program”:



13
14 23. In connection with the advertising and marketing of its youth shooting
15 program, SCTG publishes photographs from its events on its public website, such
16 as the following examples:

17
18
19
20
21
22
23
24
25
26
27
28



24. SCTG also regularly markets and advertises special events, such as its “Shooting to Cure ALS” event:



Snell & Wilmer
LLP
LAW OFFICES
1920 Main Street, Suite 1200
Irvine, California 92614-7230
(949) 253-2700

Plaintiff Safari Club International

25. Plaintiff Safari Club International (“SCI”) is a nonprofit I.R.C. § 501(c)(4) corporation incorporated in Arizona. Founded in Los Angeles, California, and headquartered in Washington, D.C., SCI has approximately 45,000 members and 200 chapters throughout the U.S. and in more than 100 other countries. SCI has nine chapters in the State of California and approximately 10% of SCI’s members live in California.

26. SCI’s mission is to protect the freedom to hunt and promote wildlife conservation worldwide. SCI informs and educates the public concerning hunting and related activities and supports education programs on wildlife conservation,

1 ecology, and natural-resource management. SCI prides itself for being a leader in
2 educating elected officials and policymakers on the essential role of hunting in
3 science-based management of wildlife and habitat.

4 27. Through its youth memberships, SCI provides programs and resources
5 designed to educate youth on the role of hunting in the management and
6 conservation of wildlife. SCI and its sister organization, Safari Club International
7 Foundation, support youth education programs that reinforce these principles.

8 28. SCI publishes three separate magazines and journals that are
9 distributed to its members across the United States, including California.

10 29. “SCI News” is a bi-weekly digest of SCI, delivering hunting news,
11 conservation stories, and highlights of SCI’s activities to SCI members.

12 30. “Safari Magazine,” SCI’s award-winning flagship publication, delivers
13 hunting stories from around the world to SCI members on a bi-monthly basis.
14 Safari Magazine contains additional articles and columns reflecting the overall
15 lifestyle of active outdoorsmen and women containing a broad mix of hunting,
16 fishing, gun and product reviews, wildlife art, international travel, and more.

17 31. “Safari Times” is a monthly newspaper that presents information and
18 stories concerning hunters’ rights, national and international advocacy efforts, and
19 news. Local SCI Chapter activities are featured, as well as education, conservation,
20 and wildlife management efforts.

21 32. SCI’s member publications regularly feature marketing and
22 advertising, including by other “firearm industry members,” concerning various
23 firearm-related products, services, and activities, as well as articles, photographs,
24 and other media discussing and depicting youth engagement in conservation
25 activities, including hunting with firearms. In addition, SCI promotes the use and
26 ownership of firearm-related products through its litigation activities.

27
28

1 ***Plaintiff The United States Sportsmen’s Alliance Foundation***

2 33. Plaintiff The United States Sportsmen’s Alliance Foundation
3 (“Sportsmen’s Alliance”) is an Ohio nonprofit corporation headquartered in
4 Columbus, Ohio. Sportsmen’s Alliance is, and at all times relevant hereto was,
5 registered in the State of California as an out of state nonprofit corporation.

6 34. With the support of thousands of members and donors nationwide,
7 Sportsmen’s Alliance works to protect and advance our nation’s outdoor heritage of
8 hunting, fishing, trapping, and shooting in all 50 state legislatures.

9 35. Among other activities, Sportsmen’s Alliance organizes, sponsors, and
10 administers youth-oriented conservation programs and courses, including in
11 California.

12 36. In 2001, Sportsmen’s Alliance created the *Trailblazer Adventure*
13 program, a youth-oriented program designed to reach a new generation of hunters
14 and anglers by introducing youth and their families to an outdoor lifestyle. The
15 *Trailblazer Adventure* program served 2 million participants across the nation.

16 37. Sportsmen’s Alliance expanded its work to attract new
17 conservationists through the development of the *Families Afield* program. The
18 hallmark of the *Families Afield* program is a “try before you buy” approach that
19 allows new hunters to obtain an apprentice license and hunt under the watchful eye
20 of an experienced hunter before taking a hunter education course. The program has
21 been implemented in 42 states and surpassed 2.5 million apprentice hunting
22 licenses sold. Through its continued advocacy and with the support of its members
23 and donors, Sportsmen’s Alliance desires to grow the *Families Afield* program to
24 additional states, including California.

25 38. Most recently, in 2020, Sportsmen’s Alliance launched the
26 *Conservation Adventures* program, which aims to address critical gaps in education
27 concerning wildlife and habitat conservation; specifically, the North American
28 Model of Conservation. The goal of *Conservation Adventures* is to implement a

1 conservation-based educational curriculum in high schools across the country. This
2 includes discussions held with supporters and other interested parties to begin
3 implementation in California; however, Sportsmen’s Alliance has put this initial
4 planning on hold out of fear that such activities *might* be prohibited by Section
5 22949.80. This curriculum includes training modules, chapters, and discussions of
6 hunting, firearm use, the shooting sports, and their beneficial impact on fish and
7 wildlife conservation nationwide.

8 39. In support of its mission, Sportsmen’s Alliance publishes “The
9 Sportsmen’s Advocate,” the official magazine of Sportsmen’s Alliance, which is
10 distributed to Sportsmen’s Alliance members and supporters across the country,
11 including in California.¹

12 40. The Sportsmen’s Advocate and other Sportsmen’s Alliance
13 publications regularly contain marketing and advertising of firearm-related products
14 as well as articles, photographs, and other media discussing and depicting youth
15 engagement in conservation activities, including hunting with firearms and the
16 shooting sports.

17
18 ***Plaintiff Congressional Sportsmen’s Foundation***

19 41. Plaintiff Congressional Sportsmen’s Foundation (“CSF”) is a nonprofit
20 I.R.C. § 501(c)(3) corporation incorporated in Washington, DC, and is registered
21 and licensed as a charity organization to do business in all 50 states, including
22 California.

23 42. Founded in 1989, CSF’s mission is to work with Congress, governors,
24 and state legislatures, including the California State Legislature, to protect and
25 advance hunting, angling, recreational shooting and trapping.

26
27 _____
28 ¹ The Spring 2022 Issue of The Sportsmen’s Advocate is available at
<https://viewer.joomag.com/the-sportsmens-advocate-spring-2022/0787524001652115806?short&>.

1 43. CSF provides support and guidance for three distinct caucuses
2 operating at the Federal and State level.

3 44. With nearly 250 members, the bipartisan Congressional Sportsmen’s
4 Caucus has grown into one of the largest and most effective caucuses in the US
5 Congress. The caucus is the sportsmen’s ally and first line of defense in
6 Washington protecting and advancing hunting, angling, recreational shooting and
7 trapping.

8 45. The Governors Sportsmen’s Caucus is a bipartisan caucus of
9 governors working to protect and advance the interests of America's sportsmen and
10 women, and advance professional fish and wildlife management policy. The 30
11 members of the bipartisan Governors Sportsmen’s Caucus facilitate communication
12 and information exchange between state executives in support of legislation and
13 regulations that protect and advance hunting, angling, recreational shooting and
14 trapping.

15 46. Forty-nine state caucuses and over 2,000 state legislators are united
16 under the bipartisan National Assembly of Sportsmen’s Caucuses (“NASC”)
17 umbrella. The NASC facilitates the interaction and idea exchange among state
18 caucus leaders and the outdoor community. NASC provides a host of services
19 including: providing detailed information on sportsmen's issues, writing caucus
20 press releases, organizing an annual meeting, and coordinating the exchange of
21 information and interaction between the individual state caucuses. Through its
22 communication network and by fostering interaction among legislators,
23 sportsmen’s groups, industry partners, state fish and wildlife agencies and the
24 media, NASC provides the foundation structure necessary to protect and advance
25 hunting, angling, recreational shooting, trapping, and professional fish and wildlife
26 management in state capitols.

27 47. Together with the Congressional Sportsmen’s Caucus, the Governors
28 Sportsmen’s Caucus, and the National Assembly of Sportsmen’s Caucuses, CSF

1 serves an unprecedented network of pro-sportsmen elected officials who advance
2 the interests of America’s hunters and anglers.

3 48. Among other caucuses in state legislatures across the country, CSF
4 works closely with California’s Outdoor Sporting Caucus.

5 49. As part of its support of the California Outdoor Sporting Caucus, CSF
6 hosts an annual California Outdoor Sporting Caucus Trap and Skeet Shoot at the
7 Yolo Sportsmen’s Club in Davis, California. This trap shoot features “firearm
8 industry members” and is regularly attended by youth shooting groups, along with
9 legislators and legislative staff.

10 50. CSF also regularly hosts fundraising events in California, as it does in
11 many states, that involve firearms and may be attended by minors.

12 51. In support of its mission, CSF publishes a quarterly “Outdoor Heritage
13 Report” that includes news and updates on hunting and shooting sports, a weekly
14 newsletter titled “The Sportsmen’s Voice” with updates on legislation and policy,
15 and regularly utilizes social media to share these highlights. These CSF
16 publications regularly contain marketing and advertising by “firearm industry
17 members,” as well as articles, photographs, and other media discussing and
18 depicting youth engagement in conservation activities, including hunting with
19 firearms and the shooting sports. The distribution for these publications reaches
20 throughout the nation, including many individuals in California.

21
22 ***Defendant Attorney General Rob Bonta***

23 52. Defendant Rob Bonta is the Attorney General of the State of
24 California. He is the chief law enforcement officer of California. As Attorney
25 General, Defendant Bonta is charged by Section 13 of Article V of the California
26 Constitution with the duty to see that the laws of the state are uniformly and
27 adequately enforced. Attorney General Bonta is the head of the Cal DOJ. As head
28 of the Cal DOJ, Defendant Bonta is responsible for the creation, implementation,

1 execution, and administration of the laws, regulations, customs, practices, and
2 policies of the Cal DOJ. Plaintiffs are informed and believe that Defendant Bonta
3 is presently enforcing the laws, regulations, customs, practices, and policies
4 complained of in this action. Defendant Bonta is sued in his official capacity.

5 53. Plaintiffs do not know the true names or capacities of the defendants
6 sued herein as DOES 1-25, inclusive, and will amend this Complaint to allege such
7 facts as soon as they are ascertained. Plaintiffs are informed and believe that Bonta
8 and the defendants named herein as DOES 1-25, and each of them, are and acted as
9 the agents of each other with respect to the actions alleged herein.

10 11 **GENERAL ALLEGATIONS**

12 54. Plaintiffs incorporate herein by this reference all preceding paragraphs
13 of this Complaint as if set forth in full.

14 ***California's Laws Regarding Minors and Firearms***

15 55. California law restricts the possession, use, and acquisition of firearms
16 by minors. *See* Cal. Penal Code §§ 29610–29750.

17 56. While California's restrictions on firearm possession by minors may
18 appear broad, they are limited by a non-exhaustive list of statutory exceptions
19 authorizing a variety of lawful uses and, moreover, the constitutional right to keep
20 and bear arms for lawful purposes.

21 57. For example, the California Legislature has explicitly stated that its
22 enactment of laws restricting firearm possession by minors—e.g., restrictions on
23 loaning a firearm to a minor, *see* Cal. Penal Code § 27505—is not intended “to
24 expand or narrow the application of existing statutory and judicial authority as to
25 the rights of minors to be loaned or to possess live ammunition or a firearm for the
26 purpose of self-defense or the defense of others.” Cal. Penal Code § 29750(b).
27
28

1 Thus, California law clearly recognizes the *pre-existing* constitutional right of
2 minors to possess and use firearms for self-defense and defense of others.

3 58. Notwithstanding, current California law purports to otherwise prohibit
4 minors from possessing handguns and semiautomatic centerfire rifles (and
5 beginning July 1, 2023, any type of firearm). Cal. Penal Code § 29610. Minors
6 also cannot possess live ammunition. *Id.* § 29650.

7 59. The exceptions to these restrictions, however, are numerous and non-
8 exhaustive. Common to all the exceptions is that the minor be engaged in, or be in
9 direct transit to or from, “a lawful, recreational sport” which includes, “but is not
10 limited to, competitive shooting, or agricultural, ranching, or hunting activity or
11 hunting education, or a motion picture, television, or video production, or
12 entertainment or theatrical event, the nature of which involves the use of a firearm.”
13 Cal. Penal Code § 29615 (exceptions for possession of firearms); *id.* § 29655
14 (exceptions for possession of live ammunition).

15 60. Some of the exceptions to California’s restrictions on firearm
16 possession by minors do not require the presence of a parent or legal guardian. For
17 example, when the minor has the express written permission of their parent or legal
18 guardian to possess a firearm. *See, e.g.*, Cal. Penal Code § 29615(c)–(e).

19 61. California also prohibits any “person, corporation, or firm” from
20 selling, loaning, or transferring a firearm to a minor, or selling a handgun to an
21 individual under 21 years of age, except in certain circumstances. Cal. Penal Code
22 § 27505.

23 62. As it concerns laws restricting the “loan” of a firearm to a minor, the
24 applicable exceptions first look to the relationship of the person to the minor (i.e.,
25 whether they are the parent/legal guardian or someone else) and the type of firearm
26 being loaned (e.g., whether it is a semiautomatic centerfire rifle, handgun, some
27 other type of firearm). *See* Cal. Penal Code § 27505(b)(2)–(5). Notably, the law
28 makes clear the minor need not always be accompanied by a parent, legal guardian,

1 or responsible adult. And all the exceptions contain the same “lawful, recreational
2 sport” language as above.

3
4 ***AB 2571***

5 63. On June 30, 2022, “to further restrict the marketing and advertising of
6 firearms to minors,” the California Legislature passed, and Governor Newsom
7 signed into law, AB 2571 as an “urgency statute necessary for the immediate
8 preservation of the public peace, health, or safety,” meaning the statute took effect
9 immediately. 2022 Cal. Stats., Ch. 77, §§ 1(b) & 3. A true and correct copy of AB
10 2571 is attached hereto as **Exhibit 1**.

11 64. Section 22949.80—added to California’s Business & Professions
12 Code by AB 2571—makes it unlawful for any “firearm industry member” to
13 “advertise, market, or arrange for placement of an advertising or marketing
14 communication concerning any firearm-related product in a manner that is
15 designed, intended, or reasonably appears to be attractive to minors.” Cal. Bus. &
16 Prof. Code § 22949.80(a)(1).

17 65. Section 22949.80 also generally prohibits firearm industry members
18 from collecting, using, or disclosing a minor’s personal information for the purpose
19 of advertising, or allowing a third-party to do so. *See id.* §§ 22949.80(b) & (d).

20 66. The term “firearm accessory,” for the purposes of Section 22949.80,
21 means “an attachment or device designed or adapted to be inserted into, affixed
22 onto, or used in conjunction with, a firearm which is designed, intended, or
23 functions to alter or enhance the firing capabilities of a firearm, the lethality of the
24 firearm, or a shooter’s ability to hold, carry, or use a firearm.” *Id.* § 22949.80(c)(3).

25 67. As used in Section 22949.80, the term “firearm industry member”
26 means either:

27 (A) A person, firm, corporation, company, partnership,
28 society, joint stock company, or any other entity or

1 association engaged in the manufacture, distribution,
2 importation, marketing, wholesale, or retail sale of firearm-
3 related products. [or]

4 (B) A person, firm, corporation, company, partnership,
5 society, joint stock company, or any other entity or
6 association formed for the express purpose of promoting,
7 encouraging, or advocating for the purchase, use, or
8 ownership of firearm-related products that does one of the
9 following:

10 (i) Advertises firearm-related products.

11 (ii) Advertises events where firearm-related products
12 are sold or used.

13 (iii) Endorses specific firearm-related products.

14 (iv) Sponsors or otherwise promotes events at which
15 firearm-related products are sold or used.

16 *Id.* § 22949.80(c)(4).

17 68. The statute defines “firearm-related product” as follows:

18 [A] firearm, ammunition, reloaded ammunition, a firearm
19 precursor part, a firearm component, or a firearm accessory
20 that meets any of the following conditions:

21 (A) The item is sold, made, or distributed in California.

22 (B) The item is intended to be sold or distributed in
23 California.

24 (C) It is reasonably foreseeable that the item would be
25 sold or possessed in California.

26 (D) Marketing or advertising for the item is directed to
27 residents of California.

28 *Id.* § 22949.80(c)(5).

69. The phrase “marketing or advertising” means:

[I]n exchange for monetary compensation, to make a
communication to one or more individuals, or to arrange
for the dissemination to the public of a communication,

1 about a product *or service* the primary purpose of which is
2 to encourage recipients of the communication to purchase
3 *or use* the product *or service*.

4 *Id.* § 22949.80(c)(6) (emphasis added).

5 70. The term “minor” for the purposes of Section 22948.80 means a
6 “natural person under 18 years of age who resides in” California. *Id.*
7 § 22949.80(c)(7).

8 71. The determination of whether “marketing or advertising of a firearm-
9 related product is attractive to minors”—and, thus, whether a particular marketing
10 or advertising violates Section 22949—is delegated the “court[s],” which the statute
11 directs to consider:

12 [T]he totality of the circumstances, including, but not
13 limited to, whether the marketing or advertising:

14 (A) Uses caricatures that reasonably appear to be minors or
15 cartoon characters to promote firearm-related products.

16 (B) Offers brand name merchandise for minors, including,
17 but not limited to, hats, t-shirts, or other clothing, or toys,
18 games, or stuffed animals, that promotes a firearm industry
19 member or firearm-related product.

20 (C) Offers firearm-related products in sizes, colors, or
21 designs that are specifically designed to be used by, or
22 appeal to, minors.

23 (D) Is part of a marketing or advertising campaign
24 designed with the intent to appeal to minors.

25 (E) Uses images or depictions of minors in advertising and
26 marketing materials to depict the use of firearm-related
27 products.

28 (F) Is placed in a publication created for the purpose of
reaching an audience that is predominately composed of
minors and not intended for a more general audience
composed of adults.

Id. § 22949.80(a)(2).

1 72. Violations of Section 22949.80 are punishable by a civil penalty not to
2 exceed twenty-five thousand dollars (\$25,000) for each violation, assessed and
3 recovered through a civil action brought by the Attorney General or by any district
4 attorney, county counsel, or city attorney. *Id.* § 22949.80(e)(1).

5 73. Section 22949.80 also authorizes: a private right of action by any
6 “person harmed by a violation” of the statute, *id.* § 22949.80(e)(3); injunctive relief,
7 *id.* § 22949.80(e)(4); and an award of attorney’s fees and costs, but only to a
8 *plaintiff* who prevails in a civil action under the statute, *id.* § 22949.80(e)(5).

9 74. Section 22949.80 does not authorize an award of attorney’s fees and
10 costs, including expert witness fees and other litigation expenses, to a defendant
11 who is a prevailing party in an action brought pursuant to Section 22949.80—even
12 if such an action is frivolous or without merit. *Id.* § 22949.80(e)(5). This feature of
13 the statute is intended to incentivize private actions against Plaintiffs and similar
14 organizations and to discourage Plaintiffs from exercising their constitutional
15 rights.

16 75. On its face, Section 22949.80 restricts nonmisleading, lawful
17 commercial speech concerning lawful activities and services, including
18 advertisements for youth shooting competitions, youth recreational shooting and
19 outdoor events, firearm and hunter safety courses, shooting skills courses, and
20 youth organization shooting and hunting programs.

21 76. On its face, Section 22949.80 broadly prohibits pure speech, including,
22 but not limited to, the following:

- 23 (a) All (or nearly all) aspects of youth hunting and shooting
24 magazines and the websites, social media, and other communications
25 promoting those magazines;
- 26 (b) Articles, cartoons (including political cartoons), and
27 photographs promoting or depicting the use of “firearm-related
28

1 products” by minors in magazines intended for a broader audience
2 including adults;

3 (c) Videos, cartoons, coloring books, posters, social media posts,
4 and youth education campaigns by gun rights organizations and/or
5 firearms trainers encouraging youth to take up lawful recreational or
6 competitive shooting activities or teaching about firearm safety;

7 (d) Branded merchandise, giveaways, or “swag”—including, but
8 not limited to, t-shirts, hats, other clothing, stickers, pins, buttons, toys,
9 games, and stuffed animals—by a “firearm industry member” that
10 promotes a “firearm industry member,” including nonprofit Second
11 Amendment organizations, or contains pro-firearm slogans and
12 political messages;

13 (e) Any communication by a “firearm industry member” that
14 encourages the recipient of the communication to exercise their
15 Second Amendment rights to purchase or use firearms or other
16 firearm-related products generally, like coaching or speaking with
17 youth about taking firearms training, becoming involved with a youth
18 shooting team, or participating in a youth-oriented hunt;

19 (f) Youth firearm and hunter safety courses and youth shooting
20 skills courses, as well as recommendations or endorsements by
21 firearms trainers concerning the most appropriate firearms,
22 ammunition, and accessories for young and beginner shooters;

23 (g) Signage, flyers, posters, discussions, branded merchandise and
24 giveaways, and/or other communications generally depicting minors
25 enjoying or otherwise encouraging minors to enjoy their Second
26 Amendment right to possess and use lawful firearms for lawful
27 purposes at youth recreational and competitive shooting events, as well
28 as communications promoting such events; and

1 (h) Communications soliciting funds for scholarships and grants for
2 youth shooters and youth shooting teams.

3
4 ***California Government Agencies Promote the Second Amendment Rights of***
5 ***Minors***

6 77. Certain California governmental agencies directly promote the
7 interests of minors in exercising their Second Amendment rights by participating in
8 firearms education courses, hunter safety education, and other firearm-related
9 activities.

10 78. For example, Plaintiffs are informed and believe, and on that basis
11 allege, that on or about August 4, 2022, the California Department of Fish and
12 Wildlife (“CDFW”) sent an email to its subscribers announcing: “Junior [Hunting]
13 License Holders: Applications Now Available for Fall Apprentice Deer Hunting in
14 San Luis Obispo County,” accompanied by the following photograph depicting a
15 youth hunter:



1 79. Likewise, on April 15, 2022, CDFW announced a return to in-person
2 hunter education instruction, accompanied by the following photograph:²



13
14 80. On September 4, 2018, CDFW celebrated youth hunting in the
15 following message posted on its official Twitter page:³

16
17
18
19
20
21
22
23
24

25 ² *California's In-Person Hunter Education Instruction Returns; Online Courses*
26 *Remain a Permanent Option*, CAL. DEP'T OF FISH & WILDLIFE (Apr. 15, 2022),
available at [https://wildlife.ca.gov/News/californias-in-person-hunter-education-](https://wildlife.ca.gov/News/californias-in-person-hunter-education-instruction-returns-online-courses-remain-a-permanent-option)
instruction-returns-online-courses-remain-a-permanent-option.

27 ³ Available at
28 [https://twitter.com/CaliforniaDFW/status/1037058628992126976?s=20&t=DuAyft](https://twitter.com/CaliforniaDFW/status/1037058628992126976?s=20&t=DuAyftH3Zto6uoF6RT7czg)
H3Zto6uoF6RT7czg.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



California Department of Fish and Wildlife
@CaliforniaDFW

...

It was our privilege to host and welcome so many first-time youth hunters at our Pilibos Wildlife Area in Fresno County for the opening of dove season. Gideon Vosburg from Tulare County was among those. Thanks to his dad, firefighter Jason Vosburg, for bringing Gideon out.



3:23 PM · Sep 4, 2018 · Twitter Web Client

2 Retweets 11 Likes

81. Indeed, California incentivizes youth hunting by charging reduced rates for junior hunting licenses as compared to adult licenses. California residents over the age of 16 pay \$54 for a resident hunting license, whereas residents under the age of 16 pay only \$14.30 for a junior license.⁴

⁴ Cal. Dep't of Fish & Wildlife, *Hunting Licenses and Tags* (last accessed July 29, 2022), available at <https://wildlife.ca.gov/Licensing/Hunting#994192-items--fees>.

1 82. The State likewise subsidizes junior big game tags.⁵ For example, a
2 junior elk tag costs \$23.50, whereas a residential (adult) elk tag costs \$512.⁶

3 83. CDFW also administers and promotes a program called “Recruitment,
4 Retention and Reactivation” (“R3”), which is a Statewide plan focused on reversing
5 the decline in hunting, fishing, and shooting sports participation.⁷ CDFW’s R3
6 programs incorporate a youth hunting component.

7 84. Among other goals, CDFW’s “Statewide R3 Implementation Strategy”
8 seeks to “[i]mprove marketing and outreach activities that support hunting, fishing,
9 the shooting sports and foraging” by, *inter alia*:

10 Creat[ing], support[ing] and promot[ing] marketing and
11 outreach materials that more fully embrace the shooting
12 sports—archery, target shooting, rifle, shotgun and pistol
13 ranges, youth shooting leagues and activities—as
14 worthwhile, important and valuable activities linked to
15 hunting and hunter recruitment, retention and reactivation
16 starting in July 2020.⁸

17 85. As these examples demonstrate, California agencies like CDFW not
18 only engage in the types of marketing and advertising that Section 22949.80 now
19 unconstitutionally prohibits, but have an official strategy to promote the same
20 marketing and advertising content.

21 ⁵ As distinguished from a general hunting license, which allows a hunter to
22 participate in the activity of hunting in the State, a “game tag” is a specific license
23 to hunt a particular species or type of game, such as deer or wild pigs. A game tag
24 often contains multiple legal conditions, such as being valid only for a particular
25 sex of an animal, having particular dates for which it is legal, limiting the methods
of harvest to certain firearms or other means (like archery), and being unavailable
for purchase until the hunting season begins. *See generally* Cal. Dep’t of Fish &
Wildlife, *Big Game Hunting Tags* (last accessed July 29, 2022), available at
<https://wildlife.ca.gov/Licensing/Hunting/Big-Game>.

26 ⁶ *See Hunting Licenses, supra*, note 4.

27 ⁷ *See generally* Cal. Dept’ of Fish & Wildlife, *Statewide R3 Implementation*
Strategy (Dec. 2019) at 3, available at
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177571&inline>.

28 ⁸ *Id.* at 7.

1 86. Yet, Plaintiffs are informed and believe, and on that basis allege, that
2 on or about July 8, 2022, the Deputy Director of CDFW, David Boss, explained in
3 an email to CDFW employees and volunteers that “[a]s defined in AB 2571,”
4 neither CDFW nor its employees or volunteers are “firearm industry members.”
5 Deputy Director Boss continued to explain that CDFW’s “Hunter Education
6 Program and our [CDFW’s] instructors when operating on behalf of [CDFW] are
7 not operating in a capacity as a firearm industry member.”

8
9 ***Effects of Section 22949.80 on Plaintiffs’ Constitutionally Protected Conduct***

10 87. Plaintiffs regularly “advertise, market, or arrange for placement of an
11 advertising or marketing communication concerning . . . firearm-related product[s]
12 in a manner that is designed, intended, or [might] reasonably appear[] to be
13 attractive to minors.” Cal. Bus. & Prof. Code § 22949.80(a)(1).

14 88. Plaintiffs plan, advertise, market, promote, sponsor, host, and/or
15 facilitate lawful events, competitions, trainings, educational programs, safety
16 courses, and/or gun shows, specifically for youth or where youth are likely to be in
17 attendance and where youth lawfully use, handle, observe, and/or otherwise possess
18 firearms, ammunition, and/or firearm parts.

19 89. In addition, Plaintiffs widely distribute printed and electronic
20 communications promoting their events and programs. Such communications
21 regularly include images and/or depictions of minors handling or “using firearm-
22 related products.”

23 90. Plaintiffs’ lawful activities regularly involve signage, flyers,
24 discussions, branded merchandise and giveaways, and/or other communications
25 depicting minors exercising, or otherwise encouraging minors to exercise, their
26 Second Amendment right to possess and use lawful firearms for lawful purposes,
27 including hunting, recreational and competitive shooting, and firearm safety
28 training.

1 91. Plaintiffs' lawful activities also sometimes include vendors or
2 exhibitors who, among other things: Promote membership or financial support of
3 their organization; sell or distribute branded merchandise or merchandise with pro-
4 firearm slogans and other political messages; disseminate books, pamphlets,
5 coloring books, flyers, and other communications promoting the use of firearms
6 and related products generally, hunting with firearms, the Second Amendment,
7 firearm safety, and recreational or competitive shooting programs; or sell or
8 advertise for sale firearms and related products and services.

9 92. Plaintiffs desire to advertise, market, or arrange for placement of
10 advertising or marketing communications concerning firearm-related products that
11 on their face would violate Section 22949.80, specifically advertising and
12 marketing communications that are intended to encourage minors to exercise their
13 Second Amendment right to possess and use lawful firearms for lawful purposes,
14 including hunting, recreational and competitive shooting, and firearm safety
15 training.

16 93. Although Plaintiffs believe the provisions of Section 22949.80 that
17 prohibit Plaintiffs from advertising or marketing firearm-related products in a
18 manner that may be attractive to minors are unconstitutional on their face, Plaintiffs
19 fear that engaging in such advertising or marketing communications will result in
20 enforcement actions against Plaintiffs by Defendant, and/or expose Plaintiffs to
21 liability in private civil actions authorized by Section 22949.80, subjecting
22 Plaintiffs to substantial monetary penalties and other liabilities that could jeopardize
23 Plaintiffs' businesses and other lawful activities.

24 94. Plaintiffs also desire to advertise, market, or arrange for placement of
25 advertising or marketing communications concerning firearm-related products
26 where it is unclear whether the communications violate the prohibitions of Section
27 22949.80.
28

1 95. Although Plaintiffs believe that Section 22949.80, on its face and as
 2 applied, unconstitutionally fails to provide persons of ordinary intelligence
 3 adequate notice of what conduct is proscribed, Plaintiffs fear that engaging in any
 4 advertising or marketing communications where it is unclear whether the
 5 communications violate Section 22949.80 will result in enforcement actions against
 6 Plaintiffs by Defendant, and/or expose Plaintiffs to liability in private civil actions
 7 authorized by Section 22949.80, subjecting Plaintiffs to substantial monetary
 8 penalties and other liabilities that could jeopardize Plaintiffs' businesses and other
 9 lawful activities. Even if lacking merit, these civil actions could devastate Plaintiffs
 10 financially because the statute only provides for an award of fees and costs to
 11 prevailing plaintiffs.

12 96. Section 22949.80 thus has the practical effect of wiping out a vital
 13 outlet for the free exchange of ideas related to the lawful possession and use of
 14 lawful "firearm-related products" and for the promotion and preservation of the
 15 nation's historical tradition of firearms ownership and hunting heritage in
 16 California through the passing down of pro-Second Amendment attitudes and
 17 traditions to future generations.⁹

18 ⁹ Our nation's historical tradition of firearms ownership is widely discussed in the
 19 context of the Second Amendment. But our hunting heritage is often overlooked.
 20 Eighteenth century English law only allowed "qualified" individuals, i.e., people
 21 with enough land and money, to hunt. Michael C. Blumm & Lucus Ritchie, *The*
 22 *Pioneer Spirit and the Public Trust: The American Rule of Capture and State*
 23 *Ownership of Wildlife*, 35 ENVTL. L. 673, 683 (2005) (citation omitted). According
 24 to William Blackstone, this enabled feudalism to continue by keeping common
 25 people "in as low a condition as possible, and especially to prohibit them the use of
 26 arms. Nothing could do this more effectually than a prohibition of hunting and
 27 sporting." Stephen P. Halbrook, *The Constitutional Right to Hunt: New*
 28 *Recognition of an Old Liberty in Virginia*, 19 WM. & MARY BILL RTS. J. 197, 200
 (2010) (quoting 2 WILLIAM BLACKSTONE, COMMENTARIES 413). Things were
 different on this side of the Atlantic Ocean. The 1641 Massachusetts Body of
 Liberties, the 1662 Connecticut Royal Charter, and the 1663 Royal Charter of
 Rhode Island and Providence Plantations provided their subjects with some hunting

1 97. Indeed, as evidenced both on the face of Section 22949.80 and by the
2 legislative history of AB 2571, this appears to be the purpose and intent of the law.

3 98. For example, the Senate Judiciary Committee’s June 10, 2022, “Bill
4 Analysis of AB 2571” quotes heavily from the Violence Policy Center’s (“VPC”)
5 2016 report, “Start Them Young,” which disparagingly “outlines the problem” of
6 the “gun industry’s” attempts to “attract future legal gun owners” as follows:

7 The gun industry has long understood that it faces a
8 slow-motion demographic collapse. With the industry’s
9 customer base growing older, household gun ownership in
10 America has steadily declined. As its primary market of
11 white males ages and dies off, the firearms industry has set
12 its sights on America’s children. Much like the tobacco
13 industry’s search for replacement smokers, the gun
14 industry is seeking replacement shooters to purchase its
15 deadly products. Firearms companies have teamed up with
16 “corporate partners” like the National Rifle Association of
17 America, the gun industry’s trade association the National
18 Shooting Sports Foundation (NSSF), and online publica-
19 tions such as Junior Shooters in an industry-wide effort
20 to market firearms to kids. They do this by promoting
21 websites and magazines targeted at children, designing
22 “kid-friendly” guns to appeal to the youth market, and even
23 working to create the equivalent of “‘reality’ video” games
24 to encourage gun use from an early age.

25 The industry’s focus on recruiting children into the
26 gun culture has been acknowledged since at least the
27 1990s.¹⁰

28 and fishing rights. Jeffrey Omar Usman, *The Game Is Afoot: Constitutionalizing
the Right to Hunt and Fish in the Tennessee Constitution*, 77 TENN. L. REV. 57, 72–
73 (2009). William Penn attracted settlers to Pennsylvania by promoting the fact
that settlers could hunt and fish there. *Id.* at 73–74. The tradition was so strong
that there were rights to hunt and fish in the original Pennsylvania and Vermont
Constitutions. PA. CONST. OF 1776 § 43; VT. CONST. OF 1777 Ch. 2 § 67.

¹⁰ California Senate Judiciary Committee, AB 2571 (Bauer-Kahan) (June 14,
2022), attached as **Exhibit 2**, at 7–8 (quoting Josh Sugarman, Violence Policy
Center, “*Start Them Young*”: *How the Firearms Industry and Gun Lobby Are
Targeting Your Children*, VPC (Feb. 2016), available at
<https://www.vpc.org/studies/starttheyoung.pdf> (attached hereto as **Exhibit 3**)).

1 99. The Senate Judiciary Committee’s analysis continues, quoting a New
2 York Times article lauding the VPC report:

3 The gun industry markets a variety of products
4 explicitly to children, a new report shows, from armed
5 stuffed animals to lighter versions of rifles. And some see
6 kids as a vital group of future gun buyers who need to be
brought into the fold at a young age.

7 The report, called “Start Them Young” and issued
8 on Thursday by the Violence Policy Center, lists a variety
9 of firearms meant at least partly for children. It mentions
10 the Crickett rifle, a gun made for children by the company
11 Keystone Sporting Arms. Keystone’s website and some of
12 its merchandise bear the image of “Davey Crickett,” a gun-
wielding cartoon insect. The company sells Davey Crickett
hats, dog tags and pins, as well as a Davey Crickett Beanie
Baby, listed as “not for children under three years of age.”

13 Keystone’s website also sells books featuring “Little
14 Jake,” a boy who uses his gun to bring down a bear and
15 save an African village from a marauding elephant. The
16 publisher of the books says Little Jake is actually older than
17 he looks: “Little Jake is a fictional character in his late
18 teens. While small in stature so that young children may
19 relate to him, Little Jake is old enough to hunt and fish
20 safely on his own without adult supervision.”¹¹

21 100. It is thus clear that the California Legislature, in enacting AB 2571,
22 understood the importance of engaging youth in hunting and the shooting sports for
23 the preservation of the nation’s historical tradition of firearms ownership and, in
24 fact, intended AB 2571 to serve as a barrier to, and to chill, constitutionally
25 protected conduct. The intent of AB 2571, as evidenced by the legislative record, is
26 not to keep unlawful firearms out of the hands of minors or to prevent unlawful use
of firearms, but rather to prevent “firearm industry members”—which, as defined,

27 ¹¹ Ex. 2 at 8–9 (quoting Anna North, *Marketing Guns to Children*, N.Y. TIMES (Feb.
28 19, 2022), available at <https://archive.nytimes.com/takingnote.blogs.nytimes.com/2016/02/19/marketing-guns-to-children/> (attached hereto as **Exhibit 4**)).

1 necessarily include pro-Second Amendment organizations, hunting conservation
2 organizations, and youth shooting programs—from “indoctrinating” youth to
3 become “advocates” for the Second Amendment and “gun culture.”

4 101. Likewise, shortly after signing AB 2571 into law, Governor
5 Newsom—the source of AB 2571, *see* Sen. Rules Comm., Bill Analysis Re: AB
6 2571 (Bauer-Kahan), 2021-2022 Reg. Sess., at 1 (Cal. 2022)—posted to his official
7 Twitter account a videotaped message to “the members of the United States
8 Supreme Court” and to “right-wing Republicans across this country,” asking
9 rhetorically:

10 Do you have no common decency, respect, or even
11 common understanding that kids should not have one of
12 these [referring to a semi-automatic rifle in his hands]?
13 This is an AR-15. This is a weapon of war. A weapon of
14 mass destruction. But you’re out there promoting and
15 allowing marketing of these weapons of war to our kids.
16 Supporting and celebrating gun manufacturers who put up
17 advertisements like the ones you see behind me. These are
18 cartoon skulls will pacifiers in them. His and her pacifiers.
19 Cartoon skulls of children with pacifiers. *That is what the*
20 *right wing is marketing and promoting* at behest of the gun
21 industry in this country. The good news, if there’s any, is
22 that this ends at least today in California. I just signed a
23 bill, so the gun industry *and those that are backing this*
24 *industry* can no longer market to our children. The idea that
25 we even have to do this is ridiculous. This law, by the way,
26 goes into effect immediately. Because *decent human*
27 *beings, people with common sense, know that we should*
28 *not be allowing this kind of disgusting marketing to go on*
*another day.*¹²

12 Rosalio Ahumada, *Gavin Newsom Signs New Gun Safety Laws Targeting Illegal Weapons, Marketing to Kids*, SACRAMENTO BEE (July 1, 2022), available at <https://www.sacbee.com/news/local/crime/article263108183.html> (the entire video of Governor Newsom’s remarks is available on the Sacramento Bee website, as well as the official Twitter page of the Office of the Governor of California).

1 106. The First Amendment does not tolerate the suppression of speech that
2 is, in someone’s eyes, misguided, hurtful, or unpopular. *See, e.g., Hurley v. Irish-*
3 *Am. Gay, Lesbian & Bisexual Group of Boston*, 515 U.S. 557, 573 (1995);
4 *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969); *Terminiello v. City of Chicago*,
5 337 U.S. 1, 4 (1949). Indeed, “above all else, the First Amendment means that the
6 government has no power to restrict expression because of its message, its ideas, its
7 subject matter, or its content.” *Police Dep’t of City of Chicago v. Mosley*, 408 U.S.
8 92, 95 (1972).

9 107. “Content-based laws—those that target speech based on its
10 communicative content—are presumptively unconstitutional and may be justified
11 only if the government proves that they are narrowly tailored to serve compelling
12 state interests.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (citing *R.A.V. v.*
13 *City of St. Paul*, 505 U.S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of*
14 *N.Y. State Crime Victims Bd.*, 502 U.S. 105, 115, 118 (1991)). Regulation of
15 speech is content-based if the law “applies to particular speech because of the topic
16 discussed or the idea or message expressed.” *Id.* That means a court must consider
17 whether the regulation “‘on its face’ draws distinctions based on the message a
18 speaker conveys.” *Id.*

19 108. A content-based restriction that implicates political or ideological
20 speech is generally subject to “strict scrutiny,” meaning the government must show
21 that the law is narrowly tailored to achieve compelling government interests. *Reed*,
22 576 U.S. at 163; *see also Brown v. Entm’t Merchs. Ass’n*, 564 U.S. 786, 790–91
23 (2011) (invalidating California law banning sale or rental of “violent video games”
24 to minors).

25 109. Commercial speech is no exception to this rule. “Even if the
26 hypothetical measure on its face appeared neutral as to content and speaker, its
27 purpose to suppress speech and its unjustified burdens on expression would render
28 it unconstitutional.” *Sorrell*, 564 U.S. at 566 (citing *Ward v. Rock Against Racism*,

1 491 U.S. 781, 791 (1989)); *see also Cincinnati v. Discovery Network, Inc.*, 507 U.S.
2 410, 429–30 (1993) (commercial speech restriction lacking a “neutral justification”
3 was not content neutral). Indeed, a “consumer’s concern for the free flow of
4 commercial speech often may be far keener than his concern for urgent political
5 dialogue.” *Bates v. State Bar of Arizona*, 433 U.S. 350, 364 (1977).

6 110. Defendants, acting under color of state law, are enforcing Section
7 22949.80, which infringes upon Plaintiffs’ right to free speech secured by the First
8 Amendment in violation of 42 U.S.C. § 1983.

9 111. On its face and as applied, Section 22949.80 violates Plaintiffs’ right
10 to free speech under the First Amendment because it prohibits their political and
11 ideological speech related to the lawful possession and use of firearms without any
12 compelling governmental interest.

13 112. It is evident from the plain text of Section 22949.80 and its legislative
14 history that the statute’s purpose is to thwart the promotion and preservation of
15 nation’s historical tradition of firearms ownership in California by prohibiting
16 communications of pro-gun messages, attitudes, and traditions to future
17 generations.

18 113. Furthermore, on its face, Section 22949.80 does not apply to similar or
19 opposing speech made by government agencies, businesses, organizations, or
20 people who are not considered “firearm industry members.”

21 114. Section 22949.80 is, therefore, a “presumptively unlawful” content-
22 based and viewpoint-discriminatory restriction of protected speech. To justify such
23 a restriction, the government must show that Section 22949.80 is narrowly tailored
24 to achieve a compelling government interest. *Reed*, 576 U.S. at 155.

25 115. There is no compelling (or legitimate) government interest in banning
26 Plaintiffs’ pure speech concerning “firearm-related products.” California’s
27 purported interests in “ensuring that minors do not possess these dangerous
28 weapons” and “protecting its citizens . . . from gun violence” are betrayed by the

1 fact that California does not directly ban the possession of many “firearm-related
2 products” by minors for lawful purposes under a broad range of circumstances.
3 Furthermore, California state agencies directly market and advertise firearm-related
4 products and services to minors.

5 116. Assuming *arguendo* that California’s interests are compelling—though
6 they are not—Section 22949.80 is neither narrowly tailored nor the least restrictive
7 means of achieving those interests. It encompasses *all* communications
8 “concerning firearm-related products” made by “firearm industry members” “in
9 exchange for monetary compensation” that are “designed, intended, or reasonably
10 appear[] to be attractive to minors”—even communications concerning lawful and
11 constitutionally protected products and services, as well as communications that are
12 equally attractive to adults who have a right to obtain information about those
13 products and services. *See Wooley v. Maynard*, 430 U.S. 705, 716–17 (1977) (“The
14 breadth of legislative abridgement must be viewed in the light of less drastic means
15 for achieving the same purpose.”); *United Transp. Union v. Michigan*, 401 U.S.
16 576, 581 (1971); *NAACP v. Button*, 371 U.S. 415, 433 (1963).

17 117. As a direct and proximate result of Defendants’ conduct, Plaintiffs
18 have suffered irreparable harm, including the violation of their constitutional right
19 to free speech, entitling them to declaratory and injunctive relief. Absent
20 intervention by this Court, through declaratory and injunctive relief, Plaintiffs will
21 continue to suffer this irreparable harm.

22 118. Accordingly, there is an actual and present controversy between the
23 parties. Plaintiffs seek a declaration that Section 22949.80 violates the First
24 Amendment to the United States Constitution. Plaintiffs further seek a preliminary
25 and, ultimately, permanent injunction prohibiting Defendants from enforcing
26 Section 22949.80.

SECOND CLAIM FOR RELIEF –

DECLARATORY AND INJUNCTIVE RELIEF

Violation of First Amendment – Commercial Speech

(U.S. Const., amends. I and XIV; 42 U.S.C. § 1983)

119. Plaintiffs incorporate herein by this reference all preceding paragraphs of this Complaint as if set forth in full.

120. The First Amendment protects commercial speech—speech that “does no more than propose a commercial transaction” or relates solely to the economic interests of the speaker and audience—provided that it is not misleading and concerns lawful activity. *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n*, 447 U.S. 557, 563 (1980).

121. “An offer to sell firearms or ammunition” is constitutionally protected commercial speech. *Nordyke v. Santa Clara*, 110 F.3d 707, 710 (9th Cir. 2009).

122. The Second Amendment likewise protects the right of minors to bear arms and maintain proficiency in their use, subject to limited and well-established historical regulations such as those requiring adult approval and supervision. *See Jones*, 34 F.4th 720–23 (finding that “young adults have Second Amendment protections”); *Ezell*, 846 F.3d at 896 (recognizing that teenagers have these rights under the Second Amendment); *see also Bruen*, 142 S. Ct. at 2127, 2129–30.

123. Government restrictions on protected commercial speech are constitutional only if they directly advance a substantial government interest and are not broader than necessary to serve that interest. *Cent. Hudson*, 447 U.S. at 566; *Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 553–54 (2001) (tobacco marketing restrictions—even those purposed to protecting minors—must be the narrowest means of achieving the asserted state interest); *Tracy Rifle & Pistol LLC v. Harris*, 339 F. Supp. 3d 1007, 1018 (E.D. Cal. 2018) (invalidating California law prohibiting the display of a handgun, an imitation handgun, or a placard advertising

1 the sale of a handgun in a manner that is visible from the outside of a gun dealer’s
2 premises).¹³

3 124. Under the first criterion—the advancement of a substantial state
4 interest—regulations that “only indirectly advance the state interest involved” have
5 consistently been declared unconstitutional. *Cent. Hudson*, 447 U.S. at 564. For
6 example, in *Virginia State Board of Pharmacy v. Virginia Citizens Consumer*
7 *Council, Inc.*, the Court noted that “[t]he advertising ban does not directly affect
8 professional standards one way or the other.” 425 U.S. 748, 769 (1976). Likewise,
9 in *Bates v. State Bar of Arizona*, the Court invalidated an advertising prohibition
10 designed to protect the “quality” of a lawyer’s work, finding that “[r]estraints on
11 advertising . . . are an ineffective way of deterring shoddy work.” 433 U.S. 350,
12 378 (1977).

13 125. The second criterion requires that speech restrictions be “narrowly
14 drawn.” *Cent. Hudson*, 447 U.S. at 565 (quoting *In re Primus*, 436 U.S. 412, 438
15 (1978)). That means that the “regulatory technique may extend only as far as the
16 interest it serves. The State cannot regulate speech that poses no danger to the
17 asserted state interest, [citation], nor can it completely suppress information when
18 narrower restrictions on expression would serve its interest as well.” *Id.* (citing
19 *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 794–795 (1978)).

20 126. The Supreme Court has consistently struck down broadly based bans
21 on truthful, nonmisleading commercial speech, designed to serve ends unrelated to
22 consumer protection. *44 Liquormart*, 517 U.S. at 497–98. Although the Court has
23 recognized that States may require commercial messages to “appear in such a form,

24 ¹³ Though this is currently the controlling test for so-called “commercial speech,”
25 modern case law is trending toward extending full First Amendment protection to
26 all speech, including “commercial speech.” *See Sorrell*, 564 U.S. at 566–67 (2011)
27 (moving toward providing commercial speech the same level of heightened
28 protection long accorded to political speech); *see also 44 Liquormart, Inc. v. Rhode*
Island, 517 U.S. 484, 523 (1996) (Thomas, J., concurring in part and concurring in
judgment) (“I do not see a philosophical or historical basis for asserting that
‘commercial’ speech is of ‘lower value’ than ‘noncommercial’ speech. Indeed,
some historical materials suggest to the contrary.”).

1 or include such additional information, warnings, and disclaimers, as are necessary
2 to prevent its being deceptive,” *Va. Bd. of Pharmacy*, 425 U.S. at 772 n.24, the
3 State has far less regulatory authority “when its commercial speech restrictions
4 strike at ‘the substance of the information communicated’ rather than the
5 ‘commercial aspect of [it]—with offerors communicating offers to offerees.’” 44
6 *Liquormart*, 517 U.S. at 498 (quoting *Linmark Assocs., Inc. v. Willingboro Twp.*,
7 431 U.S. 85, 96 (1977)).

8 127. Defendants, acting under color of state law, are enforcing Section
9 22949.80, which infringes upon Plaintiffs’ rights to free speech secured by the First
10 Amendment in violation of 42 U.S.C. § 1983.

11 128. On its face and as applied, Section 22949.80 violates Plaintiffs’ First
12 Amendment rights to free speech because it prohibits nonmisleading commercial
13 speech related to the lawful possession and use of lawful firearms without any
14 substantial governmental interest and is far more extensive than necessary to serve
15 any purported governmental interest.

16 129. There is no substantial (or legitimate) government interest in banning
17 Plaintiffs’ honest commercial speech concerning the lawful sale, possession, and
18 use of “firearm-related products.” California’s purported interests in “ensuring that
19 minors do not possess these dangerous weapons” and “protecting its citizens . . .
20 from gun violence” are betrayed by the fact that California does not directly ban the
21 possession of many “firearm-related products” by minors for lawful purposes under
22 a broad range of circumstances. Furthermore, California state agencies directly
23 market and advertise firearm-related products and services to minors. *Cf. Cent.*
24 *Hudson*, 447 U.S. at 564; *Va. Bd. of Pharmacy*, 425 U.S. at 769.

25 130. Even if California’s interests were substantial—though they are not—
26 Section 22949.80 is more extensive than necessary to achieve those interests. It
27 encompasses *all* communications “concerning firearm-related products” made by
28 “firearm industry members” “in exchange for monetary compensation” that are

1 “designed, intended, or reasonably appear[] to be attractive to minors”—even
2 communications concerning lawful and constitutionally protected products and
3 services, as well as communications that are equally attractive to adults who have a
4 right to obtain information about those products and services. *See Cent. Hudson*,
5 447 U.S. at 565; *Bellotti*, 435 U.S. at 794–795; *see also Wooley*, 430 U.S. at 716–
6 17 (“The breadth of legislative abridgement must be viewed in the light of less
7 drastic means for achieving the same purpose.”); *United Transp. Union*, 401 U.S. at
8 581; *Button*, 371 U.S. at 433.

9 131. There are numerous alternatives to the “highly paternalistic approach”
10 of Section 22949.80, including: “[T]o assume that this information is not in itself
11 harmful, that people will perceive their own best interests if only they are well
12 enough informed, and that the best means to that end is to open the channels of
13 communication rather than to close them.” *Va. Bd. of Pharmacy*, 425 U.S. at 770.

14 132. As a direct and proximate result of Defendants’ conduct, Plaintiffs
15 have suffered irreparable harm, including the violation of their constitutional right
16 to free speech, entitling them to declaratory and injunctive relief. Absent
17 intervention by this Court, through declaratory and injunctive relief, Plaintiffs will
18 continue to suffer this irreparable harm.

19 133. Accordingly, there is an actual and present controversy between the
20 parties. Plaintiffs seek a declaration that Section 22949.80 violates the First
21 Amendment to the United States Constitution. Plaintiffs further seek a preliminary
22 and, ultimately, permanent injunction prohibiting Defendants from enforcing
23 Section 22949.80.

THIRD CLAIM FOR RELIEF –
DECLARATORY AND INJUNCTIVE RELIEF

Violation of First Amendment – Association and Assembly
(U.S. Const., amends. I and XIV; 42 U.S.C. § 1983)

134. Plaintiffs incorporate herein by this reference all preceding paragraphs of this Complaint as if set forth in full.

135. The First Amendment protects not only the right of free speech, but also “the right of the people peaceably to assemble.” U.S. CONST., amend. I. The right to assemble is closely associated, and often merges, with the right to free expression. *Buckley v. Valeo*, 424 U.S. 1, 25 (1976); *Shelton v. Tucker*, 364 U.S. 479, 486 (1960). Indeed, “[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.” *NAACP v. Patterson*, 357 U.S. 449, 462 (1958).

136. “Governmental action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.” *Id.* at 461–62; *see also Button*, 371 U.S. at 430 (invalidating statute that limited NAACP’s solicitation of prospective litigants because such activity, for the purpose of furthering the civil-rights objectives of the organization, was within the right “to engage in association for the advancement of beliefs and ideas” (internal quotation marks and citations omitted)).

137. Because the “threat of sanctions may deter” the exercise of First Amendment freedoms “as potently as the actual application of sanctions,” government may regulate expressive and associational conduct “only with narrow specificity.” *Button*, 371 U.S. at 433.

138. In order to regulate or punish communications and activities protected by the First Amendment, the state must meet the affirmative burden of proving that the regulation is “necessary” to achieve a “compelling” and “legitimate” state interest, and the state’s asserted justification must be subjected to “strict” and

1 “close” judicial scrutiny. *Id.* at 433, 438–39; *see also Buckley*, 424 U.S. at 25;
2 *NAACP v. Alabama*, 357 U.S. 449, 460–61 (1958).

3 139. Defendants, acting under color of state law, are enforcing Section
4 22949.80, which infringes upon Plaintiffs’ rights to freely associate and assemble
5 secured by the First Amendment in violation of 42 U.S.C. § 1983.

6 140. On its face and as applied, Section 22949.80 is an unconstitutional
7 abridgement of Plaintiffs’ rights to freely associate and assemble under the First
8 Amendment because it prohibits Plaintiffs from advertising marketing or arranging
9 for the placement of advertising or marketing concerning their various firearm-
10 related programs, where Plaintiffs peacefully and lawfully assemble and associate
11 with each other and members of the public, including youth.

12 141. There is no compelling (or legitimate) government interest in
13 prohibiting “firearm industry members,” like the Plaintiffs, from advertising,
14 marketing, or arranging for the placement of any advertising or marketing
15 communication concerning their firearm-related youth programming and services
16 and the “firearm-related products” used, sold, endorsed, recommended, or
17 advertised at such events—effectively putting an end to such events and, by
18 extension, the rights of Plaintiffs to associate and assemble at them. *See Button*,
19 371 U.S. at 433–34.

20 142. Indeed, just the threat of hefty civil penalties under Section 22949.80,
21 coupled with the statute’s breadth, has already deterred Plaintiffs from exercising
22 their First Amendment freedoms and is likely to deter similarly situated persons
23 from their exercise as potently as the application of those penalties. *See id.*

24 143. Even if California’s interests were compelling—though they are not—
25 Section 22949.80 is neither narrowly tailored nor the least restrictive means of
26 achieving those interests. It encompasses *all* communications “concerning firearm-
27 related products” made by “firearm industry members” “in exchange for monetary
28 compensation” that are “designed, intended, or reasonably appear[] to be attractive

1 to minors”—even communications concerning lawful and constitutionally protected
2 association and assembly. *See Button*, 371 U.S. at 433; *see also Wooley*, 430 U.S.
3 at 716–17 (“The breadth of legislative abridgement must be viewed in the light of
4 less drastic means for achieving the same purpose.”); *United Transportation*
5 *Union*, 401 U.S. at 581.

6 144. As a direct and proximate result of Defendants’ conduct, Plaintiffs
7 have suffered irreparable harm, including the violation of their constitutional right
8 to freely associate and assemble, entitling them to declaratory and injunctive relief.
9 Absent intervention by this Court, through declaratory and injunctive relief,
10 Plaintiffs will continue to suffer this irreparable harm.

11 145. Accordingly, there is an actual and present controversy between the
12 parties. Plaintiffs seek a declaration that Section 22949.80 violates the First
13 Amendment to the United States Constitution. Plaintiffs further seek a preliminary
14 and, ultimately, permanent injunction prohibiting Defendants from enforcing
15 Section 22949.80.

16
17 **FOURTH CLAIM FOR RELIEF –**
18 **DECLARATORY AND INJUNCTIVE RELIEF**
19 **Violation of First Amendment – Overbreadth**
20 **(U.S. Const., amends. I and XIV; 42 U.S.C. § 1983)**

21 146. Plaintiffs incorporate herein by this reference all preceding paragraphs
22 of this Complaint as if set forth in full.

23 147. Under the First Amendment overbreadth doctrine, “a statute is facially
24 invalid if it prohibits a substantial amount of protected speech.” *United States v.*
25 *Williams*, 553 U.S. 285, 292 (2008).

26 148. “An overbroad statute infringes on a substantial amount of
27 constitutionally protected speech where there is ‘a realistic danger that the statute
28 itself will significantly compromise recognized First Amendment protections of

1 parties not before the Court,’ or the statute is ‘susceptible of regular application to
2 protected expression.’” *United States v. Hansen*, 25 F.4th 1103, 1106 (9th Cir.
3 2022).

4 149. The First Amendment overbreadth doctrine is a departure “from the
5 traditional rule that a person may not challenge a statute on the ground that it might
6 be applied unconstitutionally in circumstances other than those before the court.”
7 *Bates*, 433 U.S. at 380. The reason is simple: “An overbroad statute might serve to
8 chill protected speech. First Amendment interests are fragile interests, and a person
9 who contemplates protected activity might be discouraged by the in terrorem effect
10 of the statute.” *Id.* (citing *Button*, 371 U.S. at 433).

11 150. Defendants, acting under color of state law, are enforcing Section
12 22949.80, which infringes upon Plaintiffs’ rights to free speech secured by the First
13 Amendment in violation of 42 U.S.C. § 1983.

14 151. Section 22949.80 prohibits a substantial amount of lawful,
15 constitutionally protected speech. It encompasses *all* communications “concerning
16 firearm-related products” made by “firearm industry members” “in exchange for
17 monetary compensation” that are “designed, intended, or reasonably appear[] to be
18 attractive to minors”—even communications concerning lawful and constitutionally
19 protected products and services, as well as communications that are equally
20 attractive to adults who have a right to obtain information about those products and
21 services.

22 152. Additionally, in restricting advertising promoting the sale of “firearm-
23 related products” to minors, Section 22949.80 burdens a vast amount of pure
24 speech that is fully protected by the First Amendment.

25 153. For example, Section 22949.80 bans advertising and marketing related
26 to youth shooting events, competitions, firearm safety programs, hunter’s safety
27 programs, and shooting skills courses. Regardless of the intent underlying Section
28 22949.80, the statute will have the effect of chilling constitutionally protected

1 speech and activities, such that, in practice, it will prohibit or discourage events
2 including youth competitions, youth hunts, firearm safety programs, hunter’s safety
3 programs, and shooting skills courses, and will prevent firearms-related
4 organizations from soliciting youth members through marketing and providing
5 youth memberships.

6 154. Due to Section 22949.80’s overbreadth and vagueness, Plaintiffs have
7 already started to curtail speech that *might* fall under Section 22949.80’s overly
8 broad ban. This “chilling” of speech also offends the First Amendment. *See, e.g.,*
9 *Coates v. City of Cincinnati*, 402 U.S. 611, 614–15 (1971); *Cox v. Louisiana*, 379
10 U.S. 536, 551–52 (1965); *Button*, 371 U.S. at 433.

11 155. There is no compelling (or legitimate) government interest in banning
12 Plaintiffs’ speech concerning the lawful use of “firearm-related products.”
13 California’s purported interests in “ensuring that minors do not possess these
14 dangerous weapons” and “protecting its citizens . . . from gun violence” are
15 betrayed by the fact that California state agencies directly market and advertise
16 firearm-related products and services to minors; furthermore, California law does
17 not directly ban the possession of many “firearm-related products” by minors for
18 lawful purposes under a broad range of circumstances.

19 156. As a direct and proximate result of Defendants’ conduct, Plaintiffs
20 have suffered irreparable harm, including the violation of their constitutional right
21 to free speech, entitling them to declaratory and injunctive relief. Absent
22 intervention by this Court, through declaratory and injunctive relief, Plaintiffs will
23 continue to suffer this irreparable harm.

24 157. Accordingly, there is an actual and present controversy between the
25 parties. Plaintiffs seek a declaration that Section 22949.80 violates the First
26 Amendment to the United States Constitution. Plaintiffs further seek a preliminary
27 and, ultimately, permanent injunction prohibiting Defendants from enforcing
28 Section 22949.80.

FIFTH CLAIM FOR RELIEF –
DECLARATORY AND INJUNCTIVE RELIEF

Violation of Fifth and Fourteenth Amendments – Void for Vagueness
(U.S. Const., amends. V and XIV; 42 U.S.C. § 1983)

158. Plaintiffs incorporate herein by this reference all preceding paragraphs of this Complaint as if set forth in full.

159. The “void-for-vagueness doctrine” is an outgrowth of the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution. *See Sessions v. Dimaya*, __ U.S. __, 138 S. Ct. 1204, 1212 (2018); *Williams*, 553 U.S. at 304.

160. The doctrine “guarantees that ordinary people have ‘fair notice’ of the conduct a statute proscribes” and guards against arbitrary enforcement “by insisting that a statute provide standards to govern the actions of police officers, prosecutors, juries, and judges.” *Dimaya*, 138 S. Ct. at 1212. “[I]f arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them.” *Grayned*, 408 U.S. at 108–09.

161. A statute is unconstitutionally vague if it “fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.” *Williams*, 553 U.S. at 304.

162. A vague law is one that “impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory applications.” *Grayned*, 408 U.S. at 108–09 (footnotes omitted); *see also Bence v. Breier*, 501 F.2d 1185, 1190 (7th Cir. 1974) (administrative rule penalizing “conduct unbecoming a member and detrimental to the service” was unconstitutionally vague because it did not create an objective standard of conduct); *Carter v. Welles-Bowen Realty, Inc.*, 719 F. Supp. 2d 846, 852 (N.D. Ohio 2010), *aff’d*, 736 F.3d 722 (6th Cir. 2013)

1 (Department of Housing and Urban Development’s ten factor test for distinguishing
2 “sham” and “bona fide” providers, for purposes of the exception to RESPA’s
3 prohibition against kickbacks and unearned fees for affiliated business
4 arrangements, was void for vagueness because the factors themselves were vague,
5 which was compounded by the inherently subjective balancing test).

6 163. Section 22949.80 is unduly vague in multiple respects. For example,
7 its definition of the term “marketing or advertising” includes not only advertising
8 communications that propose an economic transaction, like the purchase of a
9 firearm, but also any communication made “in exchange for monetary
10 compensation” by a “firearm industry member” to encourage “recipients of the
11 communication to purchase *or use* the product *or service*.” Cal. Bus. & Prof. Code
12 § 22949.80(a)(1), (c)(6) (emphasis added).

13 164. Moreover, Section 22949.80 impermissibly delegates to “a court” the
14 determination, on an ad hoc and subjective basis, of whether a marketing or
15 advertising “reasonably appears to be attractive to minors,” without providing an
16 explicit standard for application of the law. Instead, Section 22949.80(a)(2)
17 mandates a “totality of the circumstances test” that includes consideration of six
18 *non-exclusive* factors. That test is inherently subjective, which renders the statute
19 unconstitutionally vague in all of its applications.

20 165. Indeed, in similar circumstances, the Supreme Court has invalidated
21 statutes that similarly prohibited conduct based on a completely subjective standard.
22 *See, e.g., Coates*, 402 U.S. at 614–15; *Cox*, 379 U.S. at 551–52; *Carter*, 719 F.
23 Supp. 2d at 852–54. The Supreme Court has likewise condemned broadly worded
24 licensing ordinances which grant such standardless discretion to public officials that
25 they are free to censor ideas and enforce their own personal preferences. *See, e.g.,*
26 *Shuttlesworth v. Birmingham*, 394 U.S. 147, 153–55, 158–59 (1969); *Staub v. City*
27 *of Baxley*, 355 U.S. 313, 322, 325 (1958); *Saia v. New York*, 334 U.S. 558, 560–62
28 (1948).

1 166. Regardless of the intent underlying Section 22949.80, the statute is so
2 vague that, in practice, it will act as a bar on events such as youth competitions,
3 youth hunts, firearm safety programs, hunter's safety programs, and shooting skills
4 courses, and will prevent firearms-related organizations from soliciting members
5 through marketing to and providing memberships for minors. Indeed, due to
6 Section 22949.80's vagueness, Plaintiffs have already started to curtail all manner
7 of speech that *might* fall under Section 22949.80's overly broad ban.

8 167. As a direct and proximate result of Defendants' conduct, Plaintiffs
9 have suffered irreparable harm, including the violation of their constitutional rights
10 to free speech, due process, and equal protection, entitling them to declaratory and
11 injunctive relief. Absent intervention by this Court, through declaratory and
12 injunctive relief, Plaintiffs will continue to suffer this irreparable harm.

13 168. Accordingly, there is an actual and present controversy between the
14 parties. Plaintiffs seek a declaration that Section 22949.80 is void for vagueness in
15 violation of the Fifth and Fourteenth Amendments to the United States
16 Constitution. Plaintiffs further seek a preliminary and, ultimately, permanent
17 injunction prohibiting Defendants from enforcing Section 22949.80.

18
19 **SIXTH CLAIM FOR RELIEF –**

20 **DECLARATORY AND INJUNCTIVE RELIEF**

21 **Violation of Fourteenth Amendment – Equal Protection**

22 **(U.S. Const., amend. XIV; 42 U.S.C. § 1983)**

23 169. Plaintiffs incorporate herein by this reference all preceding paragraphs
24 of this Complaint as if set forth in full.

25 170. The Fourteenth Amendment, enforceable under 42 U.S.C. § 1983,
26 provides that no state shall deny to any person within its jurisdiction the equal
27 protection of the laws.
28

1 171. Singling out speakers because of the content of their speech also
2 violates their fundamental rights under the Equal Protection Clause. U.S. CONST.,
3 amend. XIV.

4 172. If unequal treatment occurs in the context of exercising a fundamental
5 right, or the government is motivated by animus toward a disfavored group, courts
6 apply heightened scrutiny. *See Loving v. Virginia*, 388 U.S. 1, 11 (1967); *see also*
7 *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432 (1985); *Romer v.*
8 *Evans*, 517 U.S. 620 (1996). Indeed, “[b]ecause the right to engage in political
9 expression is fundamental to our constitutional system, statutory classifications
10 impinging upon that right must be narrowly tailored to serve a compelling
11 governmental interest.” *Austin v. Mich. Chamber of Commerce*, 494 U.S. 652, 666
12 (1990), *rev’d on other grounds*, *Citizens United v. Fed. Elec. Comm’n*, 558 U.S. 310
13 (2010).

14 173. Defendants, acting under color of state law, are enforcing Section
15 22949.80, which deprives Plaintiffs of the right to equal protection under the law
16 secured by the Fourteenth Amendment of the United States Constitution in
17 violation of 42 U.S.C. § 1983.

18 174. On its face and as applied, Section 22949.80 is an unconstitutional
19 abridgement of Plaintiffs’ rights to equal protection under the law guaranteed by the
20 Fourteenth Amendment because it is a viewpoint-discriminatory and animus-based
21 restriction on Plaintiffs’ protected political and ideological speech that serves no
22 compelling governmental interest.

23 175. On its face and as evidenced by the legislative history of Section
24 22949.80, it is clear that the law’s purpose and intention is to thwart the promotion
25 and preservation of the nation’s historical tradition of firearms ownership in
26 California through the passing down of pro-gun attitudes and traditions to future
27 generations.

28

1 176. On its face, Section 22949.80 does not apply to similar or opposing
2 speech made by businesses, organizations, or people who are not considered
3 “firearm industry members.”

4 177. There is no compelling (or legitimate) government interest in banning
5 Plaintiffs’ pure speech concerning “firearm-related products.” California’s
6 purported interests in “ensuring that minors do not possess these dangerous
7 weapons” and “protecting its citizens . . . from gun violence” are betrayed by the
8 fact that California does not directly ban the possession of many “firearm-related
9 products” by minors for lawful purposes under a broad range of circumstances.

10 178. Nor is there any legitimate interest in singling out politically
11 disfavored “firearm industry members” under Section 22949.80’s ban on protected
12 speech—while leaving members of other industries, like the popular entertainment
13 and video game industries, as well as anti-gun organizations free to engage in
14 similar or identical speech. Rather, Section 22949.80 is steeped in and motivated
15 by animus for “gun culture” and those who participate in it.

16 179. Furthermore, assuming *arguendo* that California’s interests are
17 compelling—though they are not even legitimate—Section 22949.80 is neither
18 narrowly tailored nor the least restrictive means of achieving those interests. It
19 encompasses *all* communications “concerning firearm-related products” made by
20 “firearm industry members” “in exchange for monetary compensation” that are
21 “designed, intended, or reasonably appear[] to be attractive to minors”—even
22 communications concerning lawful and constitutionally protected products and
23 services, as well as communications that are equally attractive to adults who have a
24 right to obtain information about those products and services.

25 180. As a direct and proximate result of Defendants’ conduct, Plaintiffs
26 have suffered irreparable harm, including the violation of their constitutional right
27 to equal protection of the laws, entitling them to declaratory and injunctive relief.
28

1 Absent intervention by this Court, through declaratory and injunctive relief,
2 Plaintiffs will continue to suffer this irreparable harm.

3 181. Accordingly, there is an actual and present controversy between the
4 parties. Plaintiffs seek a declaration that Section 22949.80 violates the Fourteenth
5 Amendment to the United States Constitution. Plaintiffs further seek a preliminary
6 and, ultimately, permanent injunction prohibiting Defendants from enforcing
7 Section 22949.80.

8
9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiffs pray that the Court grant relief as follows:

11 1. A declaration that AB 2571, codified at California Business &
12 Professions Code section 22949.80, violates the Plaintiffs' free speech rights under
13 the First Amendment to the United States Constitution, on its face and as applied to
14 Plaintiffs;

15 2. A declaration that AB 2571, codified at California Business &
16 Professions Code section 22949.80, violates Plaintiffs' commercial speech rights
17 under the First Amendment to the United States Constitution, on its face and as
18 applied to Plaintiffs;

19 3. A declaration that AB 2571, codified at California Business &
20 Professions Code section 22949.80, violates Plaintiffs' rights of assembly and
21 association under the First Amendment to the United States Constitution, on its face
22 and as applied to Plaintiffs;

23 4. A declaration that AB 893, codified at California Business &
24 Professions Code section 22949.80, violates Plaintiffs' rights to equal protection of
25 the law under the Fourteenth Amendment to the United States Constitution, on its
26 face and as applied to the Plaintiffs;

27 5. A preliminary and permanent injunction prohibiting all Defendants,
28 their employees, agents, successors in office, and all District Attorneys, County

1 Counsel, and City Attorneys holding office in the state of California, as well as
2 their successors in office, from enforcing AB 2571, codified at Business &
3 Professions Code section 22949.80;

4 6. Awarding remedies available under 42 U.S.C. § 1983 and all
5 reasonable attorneys' fees, costs, and expenses under 42 U.S.C. § 1988.

6 7. Granting such other and further relief as the Court deems just and
7 proper.

8
9 Dated: August 5, 2022

Respectfully submitted,

10 SNELL & WILMER L.L.P.

11
12 By: 

13 Michael B. Reynolds
14 Collin R. Higgins
15 Cameron J. Schlagel
16 Attorneys for Plaintiffs

17
18
19
20
21
22
23
24
25
26
27
28
4859-6290-5129

Snell & Wilmer
L.L.P.
LAW OFFICES
1920 Main Street, Suite 1200
Irvine, California 92614-7230
(949) 253-2700

EXHIBIT 1

Assembly Bill No. 2571

CHAPTER 77

An act to add Chapter 39 (commencing with Section 22949.80) to Division 8 of the Business and Professions Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2571, Bauer-Kahan. Firearms: advertising to minors.

Existing law generally regulates manufacturers and dealers of firearms. Under existing law, commercial speech or advertising is generally protected under the First Amendment to the Constitution of the United States. Existing laws and regulations, however, restrict the content and placement of advertising and promotional marketing of alcohol, cannabis, and tobacco to protect minors.

This bill would prohibit a firearm industry member, as defined, from advertising or marketing any firearm-related product, as defined, in a manner that is designed, intended, or reasonably appears to be attractive to minors. The bill would also prohibit a firearm industry member from using, disclosing, or compiling a minor's personal information if it is intended to market or advertise a firearm to that minor, as specified. The bill would impose a civil penalty of up to \$25,000 for each violation of these provisions, and would authorize a person harmed by a violation to bring suit to recover any damages suffered, as specified. The bill would make each copy or republication of marketing or advertising prohibited by these provisions a separate violation. The bill would declare that its provisions are severable, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds and declares that the proliferation of firearms to and among minors poses a threat to the health, safety, and security of all residents of, and visitors to, this state. These weapons are especially dangerous in the hands of minors because current research and scientific evidence shows that minors are more impulsive, more likely to engage in risky and reckless behavior, unduly influenced by peer pressure, motivated more by rewards than costs or negative consequences, less likely to consider the future consequences of their actions

and decisions, and less able to control themselves in emotionally arousing situations. In recognition of these facts, the Legislature has already prohibited minors from possessing firearms, except in certain limited circumstances. Nonetheless, firearms manufacturers and retailers continue to market firearms to minors, often identifying particular weapons as starter guns, especially good for children. As reflected in numerous laws regulating marketing of dangerous products to minors, children are especially susceptible to marketing appeals, as well as more prone to impulsive, risky, thrill-seeking, and violent behavior than other age groups. Firearms marketing contributes to the unlawful sale of firearms to minors, as well as the unlawful transfer of firearms to minors by adults who may possess those weapons lawfully. This state has a compelling interest in ensuring that minors do not possess these dangerous weapons and in protecting its citizens, especially minors, from gun violence and from intimidation by persons brandishing these weapons.

(b) It is the intent of the Legislature in enacting this act to further restrict the marketing and advertising of firearms to minors. Nothing in this chapter shall be construed to limit in any way the enforceability of existing law concerning firearms and marketing thereof.

SEC. 2. Chapter 39 (commencing with Section 22949.80) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 39. MARKETING FIREARMS TO MINORS

22949.80. (a) (1) A firearm industry member shall not advertise, market, or arrange for placement of an advertising or marketing communication concerning any firearm-related product in a manner that is designed, intended, or reasonably appears to be attractive to minors.

(2) In determining whether marketing or advertising of a firearm-related product is attractive to minors, as described in paragraph (1), a court shall consider the totality of the circumstances, including, but not limited to, whether the marketing or advertising:

(A) Uses caricatures that reasonably appear to be minors or cartoon characters to promote firearm-related products.

(B) Offers brand name merchandise for minors, including, but not limited to, hats, t-shirts, or other clothing, or toys, games, or stuffed animals, that promotes a firearm industry member or firearm-related product.

(C) Offers firearm-related products in sizes, colors, or designs that are specifically designed to be used by, or appeal to, minors.

(D) Is part of a marketing or advertising campaign designed with the intent to appeal to minors.

(E) Uses images or depictions of minors in advertising and marketing materials to depict the use of firearm-related products.

(F) Is placed in a publication created for the purpose of reaching an audience that is predominately composed of minors and not intended for a more general audience composed of adults.

(b) A firearm industry member publishing material directed to minors in this state or who has actual knowledge that a minor in this state is using or receiving its material, shall not knowingly use, disclose, compile, or allow a third party to use, disclose, or compile, the personal information of that minor with actual knowledge that the use, disclosure, or compilation is for the purpose of marketing or advertising to that minor any firearm-related product.

(c) As used in this chapter:

(1) “Ammunition” has the same meaning as provided in subdivision (b) of Section 16150 of the Penal Code.

(2) “Firearm” has the same meaning as provided in subdivisions (a) and (b) of Section 16520 of the Penal Code.

(3) “Firearm accessory” means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with, a firearm which is designed, intended, or functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a shooter’s ability to hold, carry, or use a firearm.

(4) “Firearm industry member” means any of the following:

(A) A person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products.

(B) A person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association formed for the express purpose of promoting, encouraging, or advocating for the purchase, use, or ownership of firearm-related products that does one of the following:

(i) Advertises firearm-related products.

(ii) Advertises events where firearm-related products are sold or used.

(iii) Endorses specific firearm-related products.

(iv) Sponsors or otherwise promotes events at which firearm-related products are sold or used.

(5) “Firearm-related product” means a firearm, ammunition, reloaded ammunition, a firearm precursor part, a firearm component, or a firearm accessory that meets any of the following conditions:

(A) The item is sold, made, or distributed in California.

(B) The item is intended to be sold or distributed in California.

(C) It is reasonably foreseeable that the item would be sold or possessed in California.

(D) Marketing or advertising for the item is directed to residents of California.

(6) “Marketing or advertising” means, in exchange for monetary compensation, to make a communication to one or more individuals, or to arrange for the dissemination to the public of a communication, about a product or service the primary purpose of which is to encourage recipients of the communication to purchase or use the product or service.

(7) “Minor” means a natural person under 18 years of age who resides in this state.

(d) This section shall not be construed to require or authorize a firearm industry member to collect or retain age information about users or subscribers of products or services offered.

(e) (1) Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(2) The court shall impose a civil penalty under paragraph (1) for each violation of this chapter. In assessing the amount of the civil penalty, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth.

(3) A person harmed by a violation of this section may commence a civil action to recover their actual damages.

(4) The court shall also order injunctive relief, including a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for the conduct, as the court deems necessary to prevent the harm described in this section.

(5) Upon a motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in an action brought pursuant to this section.

(6) Each copy or republication of marketing or advertising prohibited by this section shall be deemed a separate violation.

(f) The provisions of this section are severable. If any portion, subdivision, paragraph, clause, sentence, phrase, word, or application of this section is for any reason held to be invalid by any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this chapter. The Legislature hereby declares that it would have adopted this section and each and every portion, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any other portion of this section or application thereof would be subsequently declared invalid.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect public safety by prohibiting firearm advertising to minors as soon as possible, it is necessary that this act take effect immediately.

EXHIBIT 2

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2571 (Bauer-Kahan)
Version: April 27, 2022
Hearing Date: June 14, 2022
Fiscal: Yes
Urgency: No
CK

SUBJECT

Firearms: advertising to minors

DIGEST

This bill prohibits firearm industry members from advertising or marketing, as defined, firearm-related products to minors. The bill restricts the use of minors' personal information in connection with marketing or advertising firearm-related products to those minors.

EXECUTIVE SUMMARY

In the United States, children are more likely to die from gun violence than in any other high-income country. In 2020, gun violence overtook car accidents to become the number one cause of death for U.S. children and adolescents.¹ In California, children are generally restricted from purchasing and possessing firearms and ammunition, except under specified circumstances. However, concerns have arisen that children are still being marketed to by the gun industry.

This bill prohibits firearm industry members from advertising or marketing, as defined, firearm-related products in a manner that is designed, intended, or reasonably appears to be attractive to minors. The determination of whether it is "attractive to minors" is based on a consideration of the totality of the circumstances, including whether the marketing or advertising used cartoon characters or offered brand name stuffed animals promoting the entity or firearm-related product. The bill also prohibits knowingly leveraging the personal information of a minor for the purpose of marketing or advertising to that minor any firearm-related product, as specified.

¹ Laurel Wamsley, *The U.S. is uniquely terrible at protecting children from gun violence* (May 28, 2022) NPR, <https://www.npr.org/2022/05/28/1101307932/texas-shooting-ualde-gun-violence-children-teenagers>. All internet citations are current as of June 2, 2022.

This bill is sponsored by Governor Gavin Newsom. It is supported by a variety of groups, including Everytown for Gun Safety and the County of San Diego. The bill is opposed by the National Rifle Association.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Provides, pursuant to the Second Amendment to the United States Constitution, that a well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. (U.S. Const. Amend. 2.)
- 2) Prohibits a qualified civil liability action from being brought in any Federal or State court. (15 U.S.C. § 7902.) A “qualified civil liability action” means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines or penalties, or other relief resulting from the criminal or unlawful misuse of a qualified product by the person or a third party. (15 U.S.C. § 7903.)
- 3) Establishes the federal Children’s Online Privacy Protection Act (COPPA) to provide protections and regulations regarding the collection of personal information from children under the age of 13. (15 U.S.C. § 6501 et seq.)

Existing state law:

- 1) Requires a person be at least 18 years of age to be sold most firearms and at least 21 years of age to be sold a handgun, except as specified. (Pen. Code §§ 27505, 27510.)
- 2) Establishes the Privacy Rights for California Minors in the Digital World (PRCMDW), which prohibits an operator of an internet website, online service, online application, or mobile application (“operator”) from the following:
 - a) marketing or advertising specified products or services, such as firearms, cigarettes, and alcoholic beverages, on its internet website, online service, online application, or mobile application that is directed to minors;
 - b) marketing or advertising such products or services to minors who the operator has actual knowledge are using its site, service, or application online and is a minor, if the marketing or advertising is specifically directed to that minor based upon the personal information of the minor;and

- c) knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile, the personal information of a minor with actual knowledge that the use, disclosure, or compilation is for the purpose of marketing or advertising such products or services to that minor, where the website, service, or application is directed to minors or there is actual knowledge that a minor is using the website, service, or application. (Bus. & Prof. Code § 22580.)
- 3) Requires, pursuant to the PRCMDW, certain operators to permit a minor user to remove the minor's content or information and to further inform the minor of this right and the process for exercising it. (Bus. & Prof. Code § 22581.)
- 4) Requires, pursuant to the Parent's Accountability and Child Protection Act, a person or business that conducts business in California, and that seeks to sell any product or service in or into California that is illegal under state law to sell to a minor to, notwithstanding any general term or condition, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. (Civ. Code § 1798.99.1(a)(1).)
- 5) Prohibits a business from selling or sharing the personal information of a consumer if the business has actual knowledge that the consumer is less than 16 years of age unless the consumer, in the case of consumers between 13 and 16 years of age, or the consumer's parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized such sale or sharing. A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age. (Civ. Code § 1798.120.)
- 6) Defines "firearm" as a device designed to be used as a weapon from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. (Pen. Code § 16520.) It defines "firearm precursor part" to mean a component of a firearm that is necessary to build or assemble a firearm and is either an unfinished receiver or an unfinished handgun frame. (Pen. Code § 16531.)
- 7) Defines "ammunition" to include any bullet, cartridge, magazine, clip, speed loader, autoloader, ammunition feeding device, or projectile capable of being fired from a firearm with a deadly consequence. (Pen. Code § 16150(b).)
- 8) Requires firearms dealers to obtain certain identifying information from firearms purchasers and forward that information, via electronic transfer, to the DOJ to perform a background check on the purchaser to determine whether they are prohibited from possessing a firearm. (Pen. Code §§ 28160-28220.)

This bill:

- 1) Prohibits a firearm industry member from advertising, marketing, or arranging for placement of an advertising or marketing communication concerning any firearm-related product in a manner that is designed, intended, or reasonably appears to be attractive to minors.
- 2) Defines “firearm industry member” to include any of the following:
 - a) any person or entity engaged in the manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products; or
 - b) any person or entity formed for the express purpose of promoting, encouraging, or advocating for the purchase, use, or ownership of firearm-related products that endorses or advertises such products, or advertises, sponsors, or promotes events where they are sold or used.
- 3) Requires a court when determining whether marketing or advertising of a firearm-related product is attractive to minors to consider the totality of the circumstances, including, but not limited to, whether the marketing or advertising:
 - a) uses caricatures that reasonably appear to be minors or cartoon characters to promote firearm-related products;
 - b) offers brand name merchandise for minors, including, but not limited to, hats, t-shirts, or other clothing, or toys, games, or stuffed animals that promotes a firearm industry member or firearm-related product;
 - c) offers firearm-related products in sizes, colors, or designs that are specifically designed to be used by, or appeal to, minors;
 - d) is part of a marketing or advertising campaign designed with the intent to appeal to minors;
 - e) uses images or depictions of minors in advertising and marketing materials to depict the use of firearm-related products; or
 - f) is placed in a publication created for the purpose of reaching an audience that is predominately composed of minors and not intended for a more general audience composed of adults.
- 4) Prohibits a firearm industry member publishing material directed to minors in this state or who has actual knowledge that a minor in this state is using or receiving its material, from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile the personal information of that minor with actual knowledge that the use, disclosure, or compilation is for the purpose of marketing or advertising to that minor any firearm-related product.
- 5) Provides that any person in violation is liable for a civil penalty not to exceed \$25,000 for each violation, which shall be assessed and recovered in a civil action

brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth.

- 6) Authorizes a person harmed by a violation to commence a civil action to recover their actual damages.
- 7) Authorizes the court to order injunctive relief, including a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for the conduct.
- 8) Entitles a prevailing plaintiff to reasonable attorney's fees and costs, including expert witness fees and other litigation expenses.
- 9) Deems each copy or republication of prohibited marketing or advertising a separate violation.
- 10) Defines "firearm-related product" as a firearm, ammunition, reloaded ammunition, a firearm precursor part, a firearm component, or a firearm accessory that has a specified connection to California.

COMMENTS

1. Children and the epidemic of gun violence in the United States

Gun violence in the United States has surged in recent years. While most shooting deaths involve handguns, there has been a dramatic rise in the use of assault weapons in gun massacres with six or more deaths, owing to their ability to inflict greater damage at a quicker rate.² Research shows that laws restricting assault weapons reduce deaths; estimates find mass-shooting fatalities were 70 percent less likely during the period when the federal ban was in effect.³ Another rising scourge is the prevalence of "ghost guns." In 2020, California accounted for 65 percent of all ghost guns seized by

² Emily Shapiro, *The type of gun used in most US homicides is not an AR-15* (October 26, 2021) ABC News, <https://abcnews.go.com/US/type-gun-us-homicides-ar-15/story?id=78689504>. All internet citations are current as of March 22, 2022.

³ Charles DiMaggio, et al., *Changes in US mass shooting deaths associated with the 1994-2004 federal assault weapons ban: Analysis of open-source data* (January 2019) *The Journal of Trauma and Acute Care Surgery*, <https://doi.org/10.1097/TA.0000000000002060>.

the Bureau of Alcohol, Tobacco, Firearms and Explosives.⁴ The weapons have been linked to 24 killings and dozens of other crimes in 2020 in Los Angeles alone. The problem of gun violence in our society is not going away. In 2020, over 45,000 Americans died from gun-related injuries in the United States. This is the most on record by far, a 43 percent increase from a decade prior.

As stated, gun violence has now become a leading cause of death of children in this country. This is a problem that is increasingly involving children from an early age:

On May 24th an 18-year-old gunman, Salvador Ramos, walked into an elementary school in Uvalde, a town in south-west Texas, and shot dead at least 21 people, including 19 children. Mr Ramos was himself killed, reportedly by police. His motive remains unclear. It is the latest in a spate of mass shootings in America, and the toll is the biggest at a school since a gunman killed 26 people at Sandy Hook Elementary in Newtown, Connecticut, in 2012.

In the decade since Sandy Hook there have been over 900 shootings on school grounds in America. After more than 60 years in which motor-vehicle crashes were the leading cause of death for young people, since 2017 guns have killed more Americans between the ages of one and 24. In 2020 more than 10,000 young Americans were killed by firearms, up from just under 7,000 two decades earlier. Pupils at almost all schools take part in active-shooter drills, learning to hide beneath their desks. Some drills use pellet guns and fake blood to simulate an attack.⁵

Not only are children increasingly the victims, but also the perpetrators of school shootings:

In cases where the source of the gun could be determined, more than 85 percent of shooters brought them from their own homes or obtained them from friends or relatives, according to The Post's analysis.

The ranks of school shooters include a 6-year-old boy, who killed a classmate after saying he didn't like her, and a 15-year-old girl, who did the same to a friend for rejecting her romantic overtures.

⁴ Justin Ray, 'An instrument of death': The problem of ghost guns in California (November 15, 2021) Los Angeles Times, <https://www.latimes.com/california/newsletter/2021-11-15/ghost-guns-california-essential-california>.

⁵ *Guns are the things most likely to kill young people in America* (May 25, 2022) The Economist, <https://www.economist.com/graphic-detail/2022/05/25/guns-are-the-things-most-likely-to-kill-young-people-in-america>.

Seven in 10 of them, however, were under the age of 18, which means that – often because of an adult’s negligence – dozens of children had access to deadly weapons.

The median age of school shooters is 16.⁶

This is borne out in other studies as well. According to an analysis of FBI data, in 29 of 62 active shooting incidents at educational facilities in the United States between 2000 and 2019, the offender was younger than 18, with an additional 10 shooters between 18 and 21 years old.⁷ Another federally-run center database shows “at least 59 percent of the 2,275 school shootings researchers recorded since 1970 were committed by someone under 21 years old. The offender’s age is unknown in another 18 percent of incidents.”⁸

2. Targeting children with firearm-related products

This bill is prompted by the incidence of marketing and advertising of firearm-related products to children, arguably seeking to attract future legal gun owners. A report from the Violence Policy Center (VPC) outlines the problem:

The gun industry has long understood that it faces a slow-motion demographic collapse. With the industry’s customer base growing older, household gun ownership in America has steadily declined. As its primary market of white males ages and dies off, the firearms industry has set its sights on America’s children. Much like the tobacco industry’s search for replacement smokers, the gun industry is seeking replacement shooters to purchase its deadly products. Firearms companies have teamed up with “corporate partners” like the National Rifle Association of America, the gun industry’s trade association the National Shooting Sports Foundation (NSSF), and online publications such as Junior Shooters in an industry-wide effort to market firearms to kids. They do this by promoting websites and magazines targeted at children, designing “kid-friendly” guns to appeal to the youth market, and even working to create the equivalent of “reality” video” games to encourage gun use from an early age.

⁶ John Woodrow Cox, et al., *More than 311,000 students have experienced gun violence at school since Columbine* (May 27, 2022) Washington Post,

<https://www.washingtonpost.com/graphics/2018/local/school-shootings-database/>.

⁷ Mary Katherine Wildeman, *Data show most school shootings carried out by young adults, teens* (May 26, 2022) CT Insider, <https://www.ctinsider.com/news/article/Data-show-most-school-shootings-carried-out-by-17199231.php>.

⁸ *Ibid.*

The industry's focus on recruiting children into the gun culture has been acknowledged since at least the 1990s.⁹

One particularly acute example is a product marketed by WEE1 Tactical:

A US gun manufacturer has unveiled a semi-automatic rifle for kids modeled on the AR-15, which has been used in a number of deadly mass shootings, sparking condemnation from gun safety groups.

The gun dubbed the JR-15 is being marketed by maker WEE1 Tactical as "the first in a line of shooting platforms that will safely help adults introduce children to the shooting sports."

The company's website says the rifle "also looks, feels, and operates just like Mom and Dad's gun."

The JR-15 is only 31 inches (80 centimeters) long, weighs less than 2.5 pounds (one kilogram) and comes with magazines of five or 10 rounds of 22 caliber bullets. It was released in mid-January with a price tag of \$389.

The adult model, the AR-15, is the civilian version of a military-style weapon and has been used in multiple mass killings in the United States, including in schools.¹⁰

The marketing generally includes more compact models that are lighter to handle or firearms in various colors. A New York Times blog synthesizes the VPC report:

The gun industry markets a variety of products explicitly to children, a new report shows, from armed stuffed animals to lighter versions of rifles. And some see kids as a vital group of future gun buyers who need to be brought into the fold at a young age.

The report, called "Start Them Young" and issued on Thursday by the Violence Policy Center, lists a variety of firearms meant at least partly for children. It mentions the Crickett rifle, a gun made for children by the company Keystone Sporting Arms. Keystone's website and some of its merchandise bear the image of "Davey Crickett," a gun-wielding cartoon insect. The company sells Davey Crickett hats, dog tags and pins, as well as a Davey Crickett Beanie Baby, listed as "not for children under three years of age."

⁹ Josh Sugarman, "Start Them Young" *How the Firearms Industry and Gun Lobby Are Targeting Your Children* (February 2016) VPC, <https://www.vpc.org/studies/starttheyoung.pdf>.

¹⁰ Agence France Presse, *US Gunmaker Unveils Semi-automatic Rifle Marketed To Kids* (February 18, 2022) Barron's, <https://www.barrons.com/articles/top-gun-movie-business-51654023576>.

Keystone's website also sells books featuring "Little Jake," a boy who uses his gun to bring down a bear and save an African village from a marauding elephant. The publisher of the books says Little Jake is actually older than he looks: "Little Jake is a fictional character in his late teens. While small in stature so that young children may relate to him, Little Jake is old enough to hunt and fish safely on his own without adult supervision."

"Start Them Young" also cites the rise of .22-caliber versions of higher-caliber rifles, often produced with lightweight materials. According to an article in the trade magazine *Shooting Sports Retailer*, "these guns bring the coolness and fun of the tactical rifle to kids and less serious shooters."¹¹

According to the author:

In 2021 there were approximately 259 unintentional shootings by children, resulting in 104 deaths and 168 injuries. Weapons used by children have put other children at risk. 91% of the victims in these shootings by children were also under 18, often siblings of the children shooting. In California, gun violence is the third-leading cause of death for children and teens. This epidemic of deadly violence is fueled by an industry that encourages children to hold a gun as soon as they can walk.

Gun manufacturers view children as their next generation of advocates and customers, and target them with slick advertising – even children's books. The advertising for these weapons is shameless. Children in California are not allowed to buy or own a gun, yet they are advertised to across all forms of media with cartoons, video games, and social media.

AB 2571 will prohibit a person or entity from publishing materials that advertise or market firearms or weapons to anyone under the age of 18. This bill would allow the Attorney General, a District or County Attorney, or a County Counsel to bring a civil action against each violation up to \$25,000.

Guns are not a toy. Guns are a tool of death. Taking away this tool of violent indoctrination from the gun industry is a vital step forward to protect California's children.

¹¹ Anna North, *Marketing Guns to Children* (February 19, 2022) *The New York Times*, <https://takingnote.blogs.nytimes.com/2016/02/19/marketing-guns-to-children>.

3. Prohibiting the marketing or advertising of such products to children

This bill prohibits a firearm industry member from advertising or marketing any firearm-related product in a manner that is designed, intended, or reasonably appears to be attractive to minors. Furthermore, the bill places limitations on how these entities can utilize the personal information of minors in this context. If they are publishing material directed to minors in California or have actual knowledge that a minor is using or receiving its material, they are prohibited from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile, the personal information of that minor with actual knowledge that the use, disclosure, or compilation is for the purpose of marketing or advertising to that minor any firearm-related product.

Violations of these provisions are subject to civil penalties of up to \$25,000 for each violation in civil actions brought by the Attorney General or by any district attorney, county counsel, or city attorney. Each copy or republication of prohibited marketing or advertising is deemed a separate violation. Courts are provided specific factors to consider in setting the amount of the penalty including the nature, seriousness, and willfulness of the defendant's misconduct and the defendant's assets, liabilities, and net worth.

An individual harmed by a violation is also authorized to bring suit to recover their actual damages. This would require the individual to establish the causal connection between the violation and their damages.

In addition to the remedies above, the court can order injunctive relief, including a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for the conduct. A prevailing plaintiff is entitled to reasonable attorney's fees and costs, including expert witness fees and other litigation expenses.

The bill also provides some direction to courts in determining whether marketing or advertising of a firearm-related product is attractive to minors. They are to consider the totality of the circumstances, including whether the marketing or advertising:

- uses caricatures that reasonably appear to be minors or cartoon characters to promote firearm-related products;
- offers brand name merchandise for minors, including, but not limited to, hats, t-shirts, or other clothing, or toys, games, or stuffed animals that promotes a firearm industry member or firearm-related product;
- offers firearm-related products in sizes, colors, or designs that are specifically designed to be used by, or appeal to, minors;
- is part of a marketing or advertising campaign designed with the intent to appeal to minors;

- uses images or depictions of minors in advertising and marketing materials to depict the use of firearm-related products; or
- is placed in a publication created for the purpose of reaching an audience that is predominately composed of minors and not intended for a more general audience composed of adults.

4. Concerns raised with the bill

Some concerns have been raised about the bill's constitutionality, namely whether it violates the First Amendment. The prohibitions in this bill restrict the commercial speech of the firearm industry members, but the mere fact that it restricts speech does not mean that such a restriction would violate the First Amendment of the United States Constitution or Article I of the California Constitution.

Generally speaking, the First Amendment and Article I of the California Constitution, act to protect the freedom of expression of the citizens of California. Commercial speech, which is done on behalf of a company or individual for purpose of making a profit, is protected under the state and federal guarantees of free speech, but to a lesser degree than noncommercial speech.¹² A blanket prohibition against truthful, nonmisleading speech about a lawful product, which serves an end unrelated to consumer protection, must be reviewed with skepticism. A "state legislature does not have the broad discretion to suppress truthful, nonmisleading information for paternalistic purposes[.]" (44 *Liquormart, Inc. v. Rhode Island* (1996) 517 U.S. 484, 510.) Ultimately, the First Amendment protects commercial speech against "unwarranted" governmental regulation.

In order to be upheld as a valid restriction on commercial speech, the proposed law must meet the following four-part test: (1) the speech must be about a lawful activity and cannot be false or misleading; (2) the government must have a substantial interest; (3) the law must directly advance the governmental interest asserted; and (4) the law must be no more extensive than necessary. (*Central Hudson Gas v. Public Service Commission* (1980) 447 U.S. 559.)

In this case, the proposed restriction is arguably about restricting the marketing of products to children that are not generally legally able to buy them. California law generally prohibits minors from possessing a handgun and most semi-automatic rifles, as well as ammunition. The possibility and even likelihood that marketing or advertising of firearm-related products that makes those products attractive to children who, in most cases, cannot lawfully possess them, greatly strengthens the argument that the bill's restrictions on the marketing and advertising of firearm-related products could withstand constitutional scrutiny. Even if the speech is lawful, the State of California arguably has a strong interest in taking steps to prevent firearms from being

¹² See *Gerawan Farming, Inc. v. Lyons* (2004) 33 Cal.4th 1, 22.

sold to minors, and the proposed law advances that interest in a manner that does not cover products or advertisements directed to lawful purchasers. Based on the findings incorporated into the bill that firearms marketing and advertising contributes to the unlawful sale of firearms to minors, as well as the unlawful transfer of firearms to minors by adults who may possess those weapons lawfully, the bill is arguably substantially related to the achievement of its objective. Although a determination regarding the First Amendment is ultimately for the courts, arguably the proposed restriction on marketing and advertising could survive such a challenge.

Similar laws already exist that restrict the advertising of other products to children. For instance, coin banks, toys, balloons, magic tricks, miniature bottles or cans, confections, dolls, or other items that appeal to minors or underage drinkers may not be used in connection with the merchandising of beer. (Bus. & Prof. Code § 25600.) Similarly, edible cannabis products cannot be designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis. (Bus. & Prof. Code § 26130.)

Another particularly relevant example is the Privacy Rights for California Minors in the Digital World, which prohibits an operator of an internet website, online service, online application, or mobile application (“operator”) from the following:

- marketing or advertising specified products or services such as firearms, cigarettes, and alcoholic beverages on its internet website, online service, online application, or mobile application that is directed to minors;
- marketing or advertising such products or services to minors who the operator has actual knowledge are using its site, service, or application online and is a minor, if the marketing or advertising is specifically directed to that minor based upon the personal information of the minor; and
- knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile, the personal information of a minor with actual knowledge that the use, disclosure, or compilation is for the purpose of marketing or advertising such products or services to that minor, where the website, service, or application is directed to minors or there is actual knowledge that a minor is using the website, service, or application. (Bus. & Prof. Code § 22580.)

As can be seen, the language of this bill borrows from these existing statutes.

Writing in opposition, the National Rifle Association argues the bill will not withstand constitutional challenge:

Even if one is to assume that AB 2571 meets the first three criteria of the test set forth in *Central Hudson*, the regulation fails the fourth part of the test. A minor may find a piece of advertising attractive for the same reasons as an adult. Adults and minors often use firearms for the same lawful purposes, prize the same characteristics in firearms, and therefore

would be attracted to the same advertising materials. As AB 2571 would target advertising valued by both minors and adults it would necessarily “impinge on the speaker's ability to propose a commercial transaction and the adult listener's opportunity to obtain information about products.”

Moreover, the restriction in AB 2571 fails to appreciate that minors can and do possess and use firearms for a variety of lawful purposes. The state interest asserted in AB 2571 is to combat the “proliferation of firearms to and among minors.” The bill also notes, “[t]his state has a compelling interest in ensuring that minors do not possess these dangerous weapons.” The asserted interest is not necessarily to discourage illegal use of firearms by minors, but rather all use.

First, as minors are permitted by state law to use firearms for a variety of lawful purposes, it is dubious that the state’s asserted interest in AB 2571 of preventing firearm use by minors is “substantial,” as required by the second part of the *Central Hudson* test.

Second, if it is the drafters of AB 2571’s goal to curb the illegal use of firearms by minors, a less suspect state interest, surely banning all advertising that may be attractive to minors, even that contemplating the use of firearms for lawful purposes, would be overbroad under part four of the *Central Hudson* test.

The legislation’s drafters justify their proposed regulation by citing restrictions on “advertising and promotional marketing of alcohol, cannabis, and tobacco to protect minors.” As noted in the discussion of *Lorillard Tobacco Co. v. Reilly*, such measures must be the narrowest means of achieving an asserted state interest - which was not the case in *Lorillard* and is not the case with AB 2571.

However, lawmakers should also understand that the restrictions cited as analogous to that in AB 2571 are of a fundamentally different character. Unlike restrictions on advertising for alcohol, cannabis, and tobacco, the underlying products and conduct that AB 2571 seeks to curb the advertisement of are protected under the U.S. Constitution. As such, lawmakers should be prepared for the courts to level more scrutiny upon restrictions on advertisements concerning Second Amendment protected products and conduct than those leveled at products that don’t enjoy such protection.

One additional, potential legal barrier to the bill, is the federal Protection of Lawful Commerce in Arms Act (PLCAA). The PLCAA prohibits a qualified civil liability action from being brought in any federal or state court. (15 U.S.C. § 7902.) A “qualified civil

liability action” means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by the person or a third party. (15 U.S.C. § 7903.) These statutes stand to preempt state laws that impose liability on manufacturers, sellers, and trade associations for the misuse of firearms by third parties.

However, there are exceptions to the PLCAA’s preemptive effect. Specifically, the federal law explicitly does not preempt “an action in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought.” (15 U.S.C. § 7903.) Given that liability attaches in this bill for the direct conduct of firearm industry members themselves, namely their advertising, marketing, or use of minors’ personal information, and is not triggered solely by the misconduct of another party, the bill should arguably not be found to be preempted.

5. Stakeholder support

Brady California and the Brady Campaign to Prevent Gun Violence write in support of this measure:

Current laws restrict the content and placement of advertising and promotional marketing of alcohol, cannabis, and tobacco to protect minors. This is done to prevent potentially harmful substances from getting in the hands of young people as well as preventing the glorification around them. While we certainly see the point of restricting ads around the previous products listed, unlike firearms none of these are a leading cause of death for children and teens.

Writing in support, the City of Mountain View argues the bill provides “another tool in the tool belt of municipalities to counter dangerous practices that jeopardize the health and wellness of our communities.”

The County of San Diego writes in support of this bill, and gun legislation in general:

The County of San Diego recognizes action must be taken to prevent unintentional shootings and reduce the risk of homicides and decrease access to guns used in crimes.

State legislation that addresses gun violence will help hold the gun industry accountable through private lawsuits and by prohibiting the advertisement of certain categories of weapons. The County of San Diego

supports these and other efforts that would allow for new oversight and accountability measures for the gun industry.

SUPPORT

Governor Gavin Newsom (sponsor)
Brady California
Brady Campaign to Prevent Gun Violence
City of Mountain View
County of San Diego
Everytown for Gun Safety
March for Our Lives
Moms Demand Action for Gun Sense in America
Students Demand Action for Gun Sense in America

OPPOSITION

National Rifle Association

RELATED LEGISLATION

Pending Legislation:

SB 1327 (Hertzberg, 2022) establishes privately-enforced civil causes of action against any person who manufactures or causes to be manufactured, distributes, transports, or imports into the state, or causes to be distributed or transported or imported into the state, keeps for sale or offers or exposes for sale, or gives or lends any firearm lacking a required serial number, assault weapon, .50 BMG rifle, or firearm precursor part, as specified. This bill is currently in the Assembly Judiciary Committee.

AB 452 (Friedman, 2022) requires local educational agencies to inform parents, through a notice, of California's child access prevention laws and other firearm laws. This bill is currently in the Senate Appropriations Committee.

AB 1594 (Ting, 2022) establishes a firearm industry standard of conduct, which would require a firearm industry member, as defined, to, among other things, establish, implement, and enforce reasonable controls, as defined, and adhere to specified laws pertaining to unfair methods of competition, unfair or deceptive acts or practices, or false advertising. The bill also prohibits a firearm industry member from manufacturing, marketing, importing, offering for wholesale sale, or offering for retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California, as specified. This bill is currently in this Committee and will be heard on the same day as this bill.

AB 1621 (Gipson, 2022), among other things, prohibits the sale, transfer, or possession of an unserialized firearm precursor part, except as specified, and explicitly prohibits the possession or transfer of a firearm without a serial number or mark of identification. This bill is currently in the Senate Public Safety Committee.

Prior Legislation: SB 568 (Steinberg, Ch. 336, Stats. 2013) established the Privacy Rights for California Minors in the Digital World.

PRIOR VOTES:

Assembly Floor (Ayes 48, Noes 16)

Assembly Appropriations Committee (Ayes 12, Noes 4)

Assembly Judiciary Committee (Ayes 7, Noes 2)

Assembly Privacy and Consumer Protection Committee (Ayes 7, Noes 1)

EXHIBIT 3



Violence Policy Center



“Start Them Young”

**How the Firearms Industry and Gun
Lobby Are Targeting Your Children**

WWW.VPC.ORG

ABOUT THE COVER

The Title

"Start Them Young" is a section head of the 2012 National Shooting Sports Foundation (NSSF) publication *Understanding Activities that Compete with Hunting and Target Shooting, 2011 Comprehensive Consumer Study, Executive Summary*. NSSF is the official trade association for the firearms industry.

The Photo

"A chilling photograph of a small boy, gnawing on a pistol clutched in his tiny hands, dressed in camouflage and with a grenade and ammunition belt in his lap, was recovered from the weapon-filled home of Sandy Hook school gunman Adam Lanza....A family friend said that Lanza and his older brother were taught to shoot almost as soon as they could hold a weapon by their mother Nancy, a gun fanatic. But a spokesman for Mrs. Lanza's ex-husband, Peter, last night denied that the child in the uncaptioned photograph was either son."

"Sandy Hook report reveals Lanza children's early exposure to guns," *The Telegraph*, December 28, 2013

COPYRIGHT AND ACKNOWLEDGMENTS

Copyright © February 2016 Violence Policy Center

Violence Policy Center

1730 Rhode Island Ave., NW
Suite 1014
Washington, DC 20036

202-822-8200

The Violence Policy Center (VPC) is a national nonprofit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public.

This publication was funded with the support of the Lisa & Douglas Goldman Fund.

Primary author for this study was Josh Sugarmann. Additional research and writing was provided by Marty Langley, Avery Palmer, Kristen Rand, and Jane Wiesenber.

The VPC would like to express its sincere appreciation to Sue Roman for the photographs and companion video she contributed to the study. (see <https://youtu.be/rjKXGN7hYcg> for video)

An online version of this study is available at <http://www.vpc.org/publications/start-them-young/>.

For a complete list of VPC publications with document links, please visit <http://www.vpc.org/publications>.

To learn more about the Violence Policy Center, or to make a tax-deductible contribution to help support our work, please visit www.vpc.org.

SELECT FIREARMS INDUSTRY AND GUN LOBBY QUOTES ON MARKETING GUNS TO CHILDREN FROM THE STUDY

“If we don’t improve at cultivating new hunters and shooters, the sport we love and industry we work in will eventually die away. That’s a strong diagnosis, but a realistic one. Like many enthusiast sports in this busy, competitive world, people are leaving faster than new ones are coming in — and this is a recipe for industry-wide trouble down the road.”

*“Shooting for a New Audience: Reaching New Demographics is Critical to Our Industry,”
Shooting Sports Retailer, May/June 2007 (page 5)*

“If you’re a kid looking for your first rifle, this is the gun you need to tell your parents about.”

“Marlin’s New Kid-Friendly Rifles,” NRA Family InSights, January 2, 2014 (page 11)

“I can’t remember how old he was, exactly, when he shot his first firearm — I think he was probably 8 years old — but I know he was around 10 when he shot his first machine gun.”

*“Children and Guns — An Iowa Fail,” Jews for the Preservation of Firearms Ownership,
April 21, 2014 (page 13)*

“Lenin was famously quoted as saying ‘Give me just one generation of youth, and I’ll transform the whole world.’ With this in mind, developing the next generation in the shooting sports isn’t just a business decision: The survival of the firearms world depends on the political will of those who come after us, which is a direct result of their involvement in the shooting sports.”

“The Best Guns for Smaller Shooters,” Shooting Sports Retailer, April 30, 2015 (page 17)

“And of course, the problem with failing to recruit and grow is that numbers equate to political power. In an era when the private ownership and use of firearms, the right to ‘keep and bear arms,’ has come under increasing pressure, numbers and a young, vital membership are critical.”

“Is the Shooting Industry Getting it All Wrong?,” Shooting Sports Retailer, July 31, 2015 (page 21)

“What market isn’t tied to juniors? I really can’t think of any. Military and law enforcement firearms have civilian versions which are applicable. The Concealed Carry Weapon (CCW) market has firearms which hold 10-rounds which is the limit for IDPA [International Defensive Pistol Association] competition. When the junior turns 21 they can get a CCW permit. What do they buy? It is usually a gun from a manufacturer they are familiar with.”

“A Word from Your Editor,” Junior Shooters, Spring 2012 (page 23)

“[W]e’re talking about a tiny gun intended for the very youngest shooters — the ultimate first gun. ‘We’re targeting the six- to 12-year-old range....’ With the number of hunters declining, it’s crucial to get kids introduced to the sport as early as possible. The HotShot [youth rifle] means that even the youngest shooters now have a gun sized just for them.”

“Test Fire: Thompson/Center HotShot,” NRA Family, January 2, 2014 (page 31)

“To help hunting and target shooting get a head start over other activities, stakeholders such as managers and manufacturers should target programs toward youth 12 years old and younger. This is the time that youth are being targeted with competing activities.”

“It is important to consider more hunting and target shooting recruitment programs aimed at middle school level, or earlier.”

Understanding Activities that Compete with Hunting and Target Shooting, 2011 Comprehensive Consumer Study, Executive Summary, National Shooting Sports Foundation, 2012 (page 34)

“[Y]outh ambassadors and others should focus on getting newcomers to take a first step into target shooting through any means, whether a BB or pellet gun, paintball gun, or archery bow. The point should be to get newcomers started shooting *something*, with the natural next step being a move toward actual firearms. Initial interest, however, should be embraced in whatever form it presents itself. “

Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting, Executive Summary, Hunting Heritage Trust and National Shooting Sports Foundation, 2012 (page 35)

TABLE OF CONTENTS

Introduction	1
Following the Tobacco Industry’s Path: The Search for Replacement Shooters	3
Davey Crickett, Little Jake, and the Marlin Man	7
“Tactical Rifles” for Kids	12
Guns in a Rainbow of Colors	17
The “Fiscal and Political” Benefits of Marketing Guns to Children	20
<i>Junior Shooters: “For Kids By Kids”</i>	22
NRA “Junior Members”	30
National Shooting Sports Foundation: The Gun Industry’s Tobacco Institute	32
The Industry Finds Its “‘Reality’ Video Game” in 3-Gun Competition	36
The Reality of Children and Guns	40
Conclusion and Recommendations	44
Endnotes	46

INTRODUCTION

“He was just a good kid. He was everybody’s friend.”

On October 24, 2014, 14-year-old Jaylen Fryberg entered the cafeteria at Marysville-Pilchuck High School in Marysville, Washington, and shot five classmates, killing four, before turning the gun on himself. Unlike many school shooters before him, Fryberg had given little or no warning of his intentions. He was described as a popular “happy-go-lucky” kid who played sports and was recently elected as the freshman class’ prince in the school’s homecoming court.

But like many American children, he also had easy access to guns. He grew up with guns around the house, frequently went hunting with his father, and recently obtained a hunting rifle as a gift, which he called “probably the best [birthday] present ever, I just love my parents!!!” The semiautomatic 40-caliber Beretta handgun, which he used to commit the crime, was his father’s. Friends said that the teen had recently been involved in a breakup with his girlfriend and had sent disturbing messages via social media the week before the shooting.¹

“It was insane how much he knew....He would say all the types of guns and could name anything.”

On June 10, 2014, Jared Padgett, a 15-year-old freshman at Reynolds High School in Troutdale, Oregon, opened fire with a Daniel Defense M4 AR-15-style semiautomatic assault rifle in the school’s boys’ locker room, killing a classmate. He then wounded a physical education teacher before eventually turning the gun on himself. In addition to the AR-15, Padgett carried nine ammunition magazines, including 30-round magazines, a .25 Colt pistol, and a knife. All the weapons came from his family’s home.

Subsequent investigation found that Padgett showed an intense interest in guns. One classmate said that he had “showed off about the guns he had,” saying that he had “bullets at home, bullets and guns.” On Facebook, he “Liked” an M4 assault rifles page (the type of gun he used in the shooting), and a page called “We WILL NOT Be Disarmed.” Friends and classmates recalled that he talked frequently about guns. Another peer added that “it was insane how much he knew” about firearms and that he “would say all the types of guns and could name anything.” After the shooting, a close friend of Padgett’s said he was not surprised to learn that Padgett was the shooter, saying that he knew “it was him all along.”²

He had plans to kill his family, set off bombs, and “kill as many students as he could.”

John David LaDue, a 17-year-old from Waseca, Minnesota, was arrested by police after he was seen entering a storage unit in a suspicious manner on April 29, 2014, and the witness became concerned and called police. It was soon alleged that LaDue had plans to kill his family, set off bombs, and kill “as many students as he could” at Waseca Junior/Senior High School, where he was an 11th-grade honor roll student. LaDue had bombs that he had completed, bomb-making materials, as well as gunpowder in the storage unit. Inside his home, police found three improvised explosives, 400 rounds of ammunition, and seven guns. LaDue had illegally purchased a 45 caliber Llama handgun and had also stolen firearms from his father.

LaDue had a longstanding fascination with guns and famous mass shootings. Speaking to police following his arrest, LaDue admitted that he idolized previous mass shooters, such as those responsible for the 1999 Columbine High School attack, and added that he had hoped to kill more people than the 26 children and educators murdered at Sandy Hook Elementary School in 2012. He “Liked” the pages for several assault weapon models on Facebook.

LaDue’s parents seemed to approve of their son’s obsession with guns. His father confessed that “I tried to indulge him in every way that I thought was harmless,” allowing his son to keep guns in his room for deer hunting and for protecting the family when he was away on business. LaDue’s father even wore a shirt with a National Rifle Association logo to his son’s court hearing.³

This disturbing list continues on: youth who, immersed in the language, culture, and weaponry of today’s militarized gun culture, lash out, using such easily accessed firepower to right their perceived wrongs in the most violent way possible. Incidents like the ones cited above occur with what seems like almost rapid-fire regularity in America today: Children, teens, and young adults with easy access to guns pick up their weapons and use them for a homicidal purpose. Even more often, depressed teenagers use the guns to commit suicide. Young children and teens also unintentionally fire the weapons, injuring themselves or others.

The tragic frequency of shootings involving children and teenagers is well documented and unfortunately now a regular part of our daily existence. Yet few realize that the firearms industry and the organizations that represent their interests, including the National Rifle Association,⁴ have made it one of their top marketing priorities to promote the use of guns among America’s children, as young as grade-school age. In doing so, the gun industry is following a trail once blazed by the tobacco industry in its efforts to entice children to smoke cigarettes.

FOLLOWING THE TOBACCO INDUSTRY'S PATH: THE SEARCH FOR REPLACEMENT SHOOTERS

The gun industry has long understood that it faces a slow-motion demographic collapse. With the industry's customer base growing older, household gun ownership in America has steadily declined. As its primary market of white males ages and dies off, the firearms industry has set its sights on America's children. Much like the tobacco industry's search for replacement smokers, the gun industry is seeking replacement shooters to purchase its deadly products.

Firearms companies have teamed up with "corporate partners" like the National Rifle Association of America, the gun industry's trade association the National Shooting Sports Foundation (NSSF), and online publications such as *Junior Shooters* in an industry-wide effort to market firearms to kids. They do this by promoting websites and magazines targeted at children, designing "kid-friendly" guns to appeal to the youth market, and even working to create the equivalent of "'reality' video" games to encourage gun use from an early age.

The industry's focus on recruiting children into the gun culture has been acknowledged since at least the 1990s:

- A 1993 issue of NSSF's *SHOT Business* raises the question, "Kids can't buy guns, you say? Well, yes and no. It's true that most students from kindergarten through high school can't purchase firearms on their own. But it's also true that in many parts of the country, youngsters (from preteens on up) are shooting and hunting. Pop picks up the tab."⁵
- In answer to the question, "How old is old enough?" the NSSF pamphlet *When Your Youngster Wants a Gun...* (distributed by the organization up until 1994) responds: "Age is not the major yardstick. Some youngsters are ready to start at 10, others at 14. The only real measures are those of maturity and individual responsibility. Does your youngster follow directions well? Is he conscientious and reliable? Would you leave him alone in the house for two or three hours? Would you send him to the grocery store with a list and a \$20 bill? If the answer to these questions or similar ones are 'yes,' then the answer can also be 'yes' when your child asks for his first gun."



Junior Shooters, Winter 2009

**When
your
youngster
wants
a gun...**

far less likely to have an accident than youngsters who have had no such instruction. Unless you are personally competent to handle the instruction, an approved safety course should be prerequisite to your youngster's owning a gun.

Why do youngsters want to shoot?

Quite simply, most youngsters are interested in shooting for the same reasons they want to play football, baseball or basketball. Shooting is a challenging, enjoyable sport with deep roots in American tradition.

Competitive shooting or informal target practice are exciting and rewarding sports which can be enjoyed 12 months a year, indoors or out, individually or as part of an organized team. Shooting helps develop a youngster's self-confidence, coordination, and personal discipline.

For many youngsters, the shooting sports are particularly appealing because they do not require superior physical prowess as do so many sports. A boy or girl lacking the physical requirements to make the varsity basketball team, for example, may find himself competing shoulder to shoulder in state or national shooting championships—perhaps even the Olympics.

How old is old enough?

Age is not the major yardstick. Some youngsters are ready to start at 10, others at 14. The only real measures are those of maturity and individual responsibility. Does your youngster follow directions well? Is he conscientious and reliable? Would you leave him alone in the house for two or three hours? Would you send him to the grocery store with a list and a \$20 bill? If the answer to these questions or similar ones are "yes," then the answer can also be "yes" when your child asks for his first gun.

NSSF pamphlet *When your youngster wants a gun...*

- At the NRA's 1996 Annual Meeting in Dallas, Texas, then-President Marion Hammer introduced her 10-year-old grandson Michael, stating, "I know that when NRA reaches out and takes the hand of a child, we are touching America's future." Hammer also outlined the NRA's agenda to "invest" in America's youth, win their "hearts and minds," and ensure the organization's longevity: "I pledge to you to dedicate my term in office to

two demanding missions. One is building an NRA bridge to America's youth. The other is being fiscally far-sighted to provide for bold new programs that will teach America's children values to last a lifetime. It will be an old-fashioned wrestling match for the hearts and minds of our children, and we'd better engage our adversaries with no holds barred....If we do not successfully reach out to the next generation, then the freedom and liberty that we've lived for — and that many of our ancestors have died for — will not live beyond us."

- A New England Firearms advertisement that appeared on the cover of the September/October 1998 issue of the gun industry publication *Shooting Sports Retailer* warned, "It's not 'who your customers will be in five years.' It's 'will there be any customers left.'" The cover shows a family shooting, with the parents slowly fading away as a child aims a long gun. Inside the magazine, a full-page ad from the company warns, "Building the next generation of customers takes work and commitment. But it must be done. The greatest threat to the firearms business may not be the anti-gunners. It is a future which lacks gun owners and users due to lack of interest. In effect, [the] greatest threat we face is the lack of a future customer base for the products which we all sell. Coming to grips with this challenge is not easy but it must be done."⁶

The warnings made in the 1990s are being echoed in the new millennium. In a 2007 "Retailing Intelligence Report" column titled "Shooting for a New Audience" (subtitled "Reaching New Demographics is Critical to Our Industry") in the gun industry trade publication *Shooting Sports Retailer*, industry marketing consultant Bruce Bear warned:

"If we don't improve at cultivating new hunters and shooters, the sport we love and industry we work in will eventually die away. That's a strong diagnosis, but a realistic one. Like many enthusiast sports in this busy, competitive world, people are leaving faster than new ones are coming in — and this is a recipe for industry-wide trouble down the road."

Urging that the gun industry "Reach Out to Young Guns," Bear warns, "It's absolutely critical for us to pass a love of shooting and hunting on to the next generation," and quotes a Dallas-area gun store owner: "Many baby boomers are getting older and getting out of hunting and shooting, and we need new people to replace them." Adds Bear, "Working with kids and their parents is not only good business, it is helping families discover the fun of sharing shooting sports together."⁷

The industry's concern is easily understood looking at the demographics regarding not only hunting, but household gun ownership overall. According to the General Social Survey (GSS)⁸ conducted by the National Opinion Research Center (NORC) at the University of Chicago:

- From 1977 to 2014, the percentage of American households that reported having any guns in the home dropped by 40 percent.
- During this period household gun ownership hit its peak in 1977, when more than half (53.7 percent) of American households reported having any guns. By 2014, 32.4 percent of American households reported having any guns in the home, a drop of more than 20 percentage points.
- In 2014, less than a third of American households reported having a gun in the home.

TABLE ONE: HOUSEHOLD GUN OWNERSHIP IN THE UNITED STATES, 1973 TO 2014

Year	Percent of Adults in Households with Guns	Year	Percent of Adults in Households with Guns	Year	Percent of Adults in Households with Guns	Year	Percent of Adults in Households with Guns
1973	48.7	1985	47.9	1994	43.8	2008	35.9
1974	47.6	1987	48.5	1996	43.3	2010	32.1
1976	49.5	1988	43.1	1998	36.5	2012	34.4
1977	53.7	1989	48.7	2000	34.2	2014	32.4
1980	50.3	1990	45.4	2002	36.4		
1982	48.6	1991	43.4	2004	37.0		
1984	48.1	1993	45.4	2006	34.4		

One of the “main reasons” cited by NORC for the decline in household firearms ownership is “the decrease in the popularity of hunting.” In 1977, 31.6 percent of adults lived in a household where they, a spouse, or both were hunters (see Table Two). By 2014 this number had dropped by more than half, to 15.4 percent.⁹

TABLE TWO: THE DECLINE IN HUNTING, 1977 TO 2014

Year	Percent Households With Adult Hunters	Year	Percent Households With Adult Hunters	Year	Percent Households With Adult Hunters	Year	Percent Households With Adult Hunters
1977	31.6	1988	22.2	1996	23.1	2008	17.6
1980	28.3	1989	23.4	1998	19.3	2010	18.2
1982	26.8	1990	24.3	2000	18.7	2012	19.7
1984	26.7	1991	23.0	2002	20.2	2014	15.4
1985	26.2	1993	21.0	2004	19.4		
1987	25.5	1994	22.1	2006	17.2		

According to a survey from a 2015 National Shooting Sports Foundation marketing study, 72 percent of gun owners began hunting between the ages of six to 15 years old. After age 15, the percentages drop precipitously: 12 percent began hunting from age 16 to 20; three percent began hunting from age 21 to 25; and only six percent began hunting over the age of 25 (seven percent began hunting at age five or less). Recognizing that hunting is the primary means by which youth are introduced to guns, the focus on children is no surprise.¹⁰

The gun industry’s recognition that it relies on winning the “hearts and minds” of America’s children has not changed since NRA President Marion Hammer’s day. What has changed is the openness with which the industry and its lobbying partners carry out this mission, the lethality of the types of firearms they are promoting, and the sophistication of their marketing efforts to children. Bolt-action rifles are being supplanted by military-style assault rifles. Six-shot revolvers have given way to semiautomatic pistols. And just as before, a constant, underlying goal of this outreach effort is to ensure not just the financial well-being of the industry, but the political viability of the pro-gun movement.

While under federal law an individual must be 18 years old to purchase a rifle and 21 years old to purchase a handgun from a Federal Firearms License (FFL, the basic federal license required to deal in firearms) holder, federal law as regards possession is far more lax. Federal law is mute on long gun possession by those under the age of 18, and while federal law ostensibly prohibits handgun possession under the age of 18, there are numerous exceptions. State law on gun possession varies by jurisdiction.



Savage 2015 catalog

DAVEY CRICKETT, LITTLE JAKE, AND THE MARLIN MAN

Many Americans would be surprised at the age at which some parents introduce their children to firearms. This was made clear in April 2013 when a two-year-old Kentucky girl was unintentionally shot and killed by her five-year-old brother with a 22 caliber rifle he had received as a birthday gift. The gun, a Crickett rifle manufactured by Keystone Sporting Arms, the self-proclaimed “leading rifle supplier in the youth market,”¹¹ is specially designed for children. On its webpage, a friendly cartoon character stepping into the Joe Camel role for the company, “Davey Crickett,” holds a rifle and stands atop the company’s slogan: “My First Rifle.”¹² “Crickett Logo Wear” in the company’s catalog includes an armed Davey Crickett Beanie Baby (“not for children under three years of age”¹³), a Davey Crickett “trading pin,” and a “My First Rifle” dog tag. The company also has a promotional YouTube video for its child-sized weapons.¹⁴

CRICKETT LOGO WEAR

My First Rifle
DAVEY CRICKETT

Davey Crickett Hat
KSACAPS

My First Rifle
DAVEY CRICKETT

Davey Crickett Dog Tag
KSADT

Davey Crickett Beanie Baby
Not for children under three years of age.
KSABB

DAVEY CRICKETT

Davey Crickett Trading Pin
KSAPINS

DAVEY CRICKETT

Davey Crickett Zipper Pull
KSAZP

KEYSTONE
SPORTING ARMS

Keystone Sporting Arms • 155 Sodom Road • Milton, PA • Phone: 800.742.0455 or 570.742.2777 • Fax: 570.742.1455 • www.crickett.com

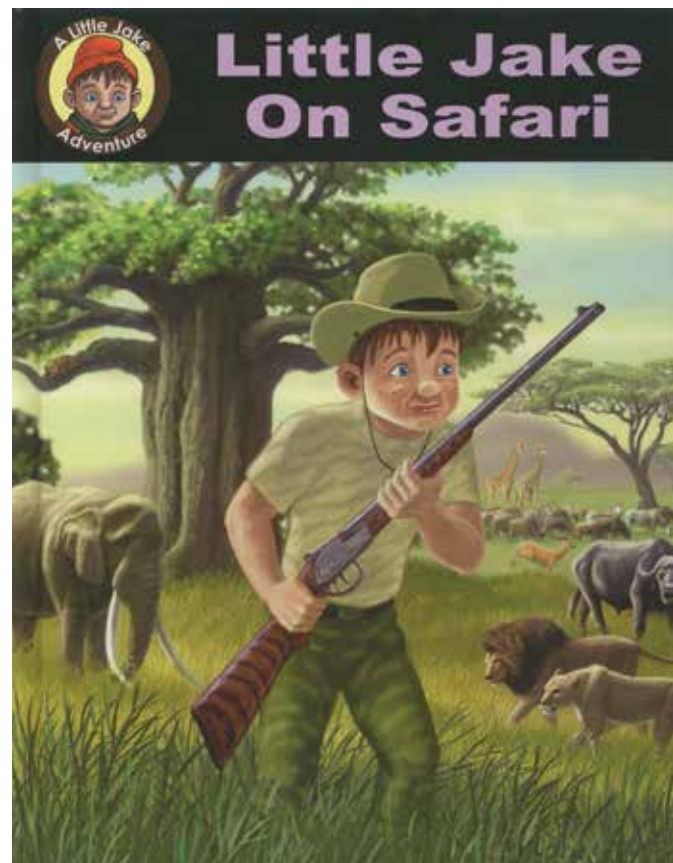
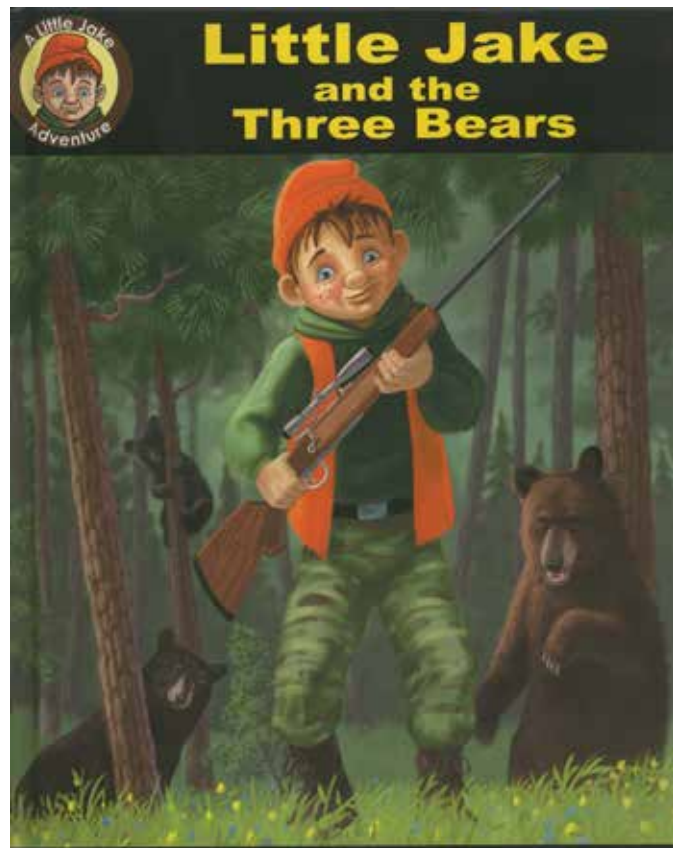
Various "Crickett Logo Wear" for children from Keystone Sporting Arms

On the company's website, cartoon "story books" from Little Sportsman Inc. include *My First Rifle* as well as a series featuring a freckled-faced protagonist named "Little Jake" which includes the titles *Little Jake and the Three Bears* and *Little Jake On Safari*.

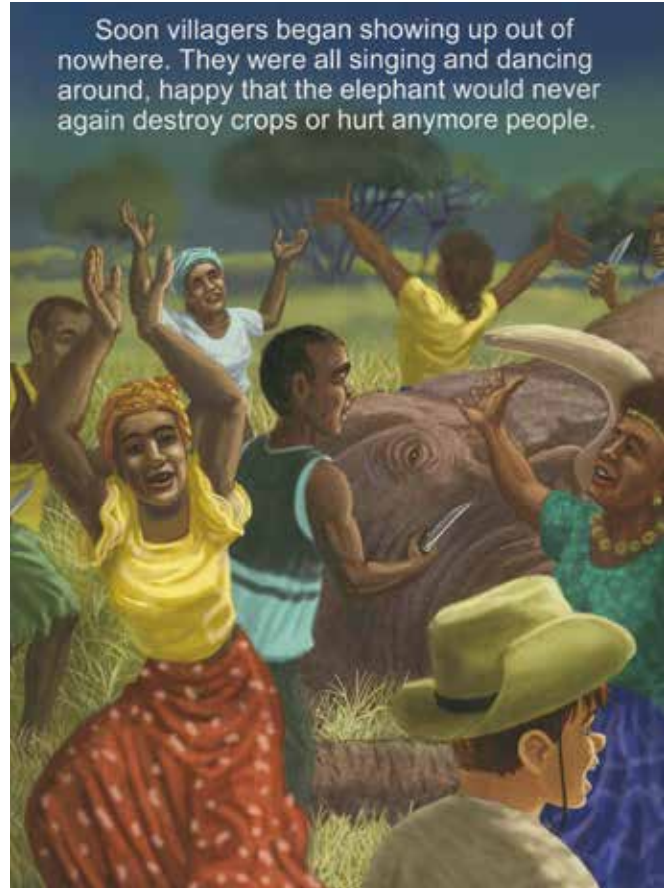
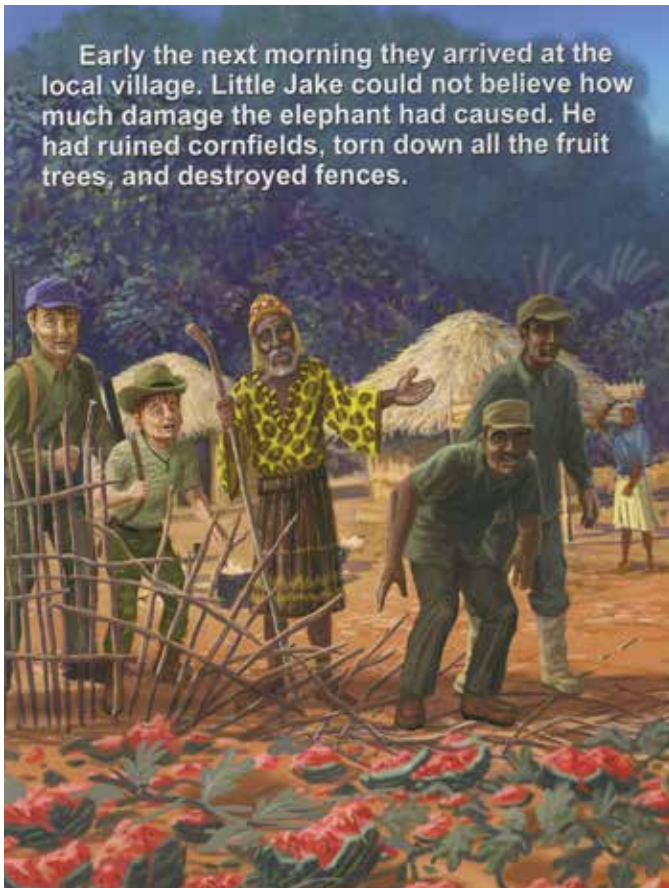
In *Little Jake and the Three Bears*, Little Jake decides he needs a bear rug for his bed to keep warm during the "long cold winter." He then gets on his ATV, visits his friend the game warden to get his "bear-hunting license," and then visits his "favorite sporting goods store" where his friend Jerry sells him the necessary "hunting supplies." Little Jake then waits for bear hunting season to begin, "getting very excited" and noting, "It was almost like waiting for Christmas." After coming across bears that were either "too small" or "too big" to keep him warm, he finds one that is "just right," and shoots it, noting that the bear "never felt a thing." The story ends with Little Jake in bed, covered by his bear rug, eating "tasty bear sausages."

In *Little Jake On Safari*, Little Jake, his dad, and their hunting party interrupt their hunt for buffalo in Africa to aid a local village where there "has been a big bull elephant destroying their crops..." Little Jake and the hunting party go to the village, where they look over a scene of bent corn and smashed watermelons. After it's explained to Little Jake that "These are not the cute, loveable animals you see in cartoons and at the circus" but "one of the smartest and most dangerous animals on earth," the hunting party eventually comes across the elephant, who charges. Little Jake aims "for the brain" and brings the elephant down with two shots from his elephant gun with a "Bang!" and a "Bam!" The local villagers come, and before they start "harvesting the huge animal," begin "singing and dancing around, happy that the elephant would never again destroy crops or hurt anymore [sic] people." In the end, the tribe's chief gives Little Jake the elephant's tusks as a gift "so that you will always remember the time you saved my village."

In a bizarre and brazenly transparent disclaimer, the publisher of the Little Jake series explains that even though Little Jake looks, talks, and acts "like a child":



"Little Jake is a fictional character in his late teens. While small in stature so that young children may relate to him, Little Jake is old enough to hunt and fish safely on his own without adult supervision. As this series evolves with new titles, readers will learn more about Little Jake, his background and family. Soon we will be introduced to Little Jane (Little Jake's younger sister) through her own book series."¹⁵



Pages from *Little Jake On Safari*

Despite the presumed acceptability, and even desirability, of the combination of children and guns presented on the Keystone website, across the country, sorrow at the tragedy of the Kentucky shooting was followed by shock and surprise that not only could a five-year-old legally possess his own gun, but that there was a significant faction of the gun industry geared toward this market.

A 2014 article from *NRA Family InSights* on guns for children under eight years of age offers a snapshot of just one gunmaker's efforts, Marlin, to target children, right down to the creation of a real-life "Marlin Man" by the company:

"There's been a lot of talk about getting kids interested in shooting. Now, we're finally seeing firearms manufacturers getting serious about it. Several companies are offering firearms sized just for kids. Marlin has taken a very bold step in that direction. They've done things right with their new XT line of .22 rifles. These rifles are not just sized for kids; they're completely designed for kids."

“Marlin took a different approach than many companies, which just put a shorter barrel on a rifle and cut the stock off a bit. Marlin engaged in a lengthy research program using real kids as test subjects. They looked at every aspect of a rifle in an effort to determine what they could do to make it more kid-friendly.”

“Their efforts paid off and in a big way. I got to see this first-hand at an event held at the Glade Springs Resort in West Virginia. Like many companies that launch a new firearm, Marlin invited several firearms journalists to come and see these new rifles. But this time, Marlin went a step further: They asked the writers to bring their kids.”

“This made perfect sense, because what better way to evaluate rifles sized specifically for kids than to let kids shoot them? Before the event got underway, the kids spent the morning riding horses. And then, when they arrived at the range, they got to meet the Marlin Man and his horse in person. The Marlin Man is the mounted cowboy Marlin has used as a logo for many years. He was brought to life for the kids at this event and he stirred the cowboy in everyone present.”

“The kids were turned loose on the range, which was staffed with Marlin employees and members of the West Virginia Division of Natural Resources. After two days of shooting thousands of rounds of .22 LR ammunition, the verdict was in: Marlin’s XT 22 Youth rifles are winners. If you’re a kid looking for your first rifle, this is the gun you need to tell your parents about.”¹⁶



RIMFIRE:
XT-22 / XT-17 / MODEL 795 / MODEL 70 PSS



MARLIN IS PROUD TO SUPPORT PROJECT APPLESEED
Project Appleseed and The Revolutionary War Veterans Association’s mission is to teach every American our shared heritage and history, as well as traditional rifle marksmanship skills using our Model 795LTR.
Visit [www. appleseedinfo.org](http://www.appleseedinfo.org) to learn more

Marlin 2016 catalog



Photos of very young children with high-powered firearms can be found on websites and social media such as Facebook

“TACTICAL” RIFLES FOR KIDS

From gun magazines, to websites, to social media, two things become clear. For some gun owners there is almost a race to the bottom to see how young a child can be to handle, and eventually possess, a gun. At the same time, there’s not infrequently an inverse trend to see how powerful a gun the child can handle.

Writing for Jews for the Preservation of Firearms Ownership (JPFO) in 2014, JPFO writer contributor Nicki Kenyon explains:

“When my son was 4 years old, we decided it was time to introduce him to gun safety. He couldn’t quite tie his shoes yet, but we knew we had guns in the house, and we knew we needed to instill good habits early, because it was literally a matter of life and death. His father was a police officer, and I was active in gun rights, and made it a point to be armed as much as possible. I still do. It’s a matter of life and death....”

"I can't remember how old he was, exactly, when he shot his first firearm — I think he was probably 8 years old — but I know he was around 10 when he shot his first machine gun. I remember when he was about 6 years old, I sent him to my bedroom to get some paperwork that was on his father's night stand. He called down to me and said, 'Mommy! Daddy's pistol is sitting on top of the paperwork. Do I have your permission to move it?' That's when I knew we taught him well...."

"My son was lucky. He was legally allowed to handle firearms in Virginia. We took him to the range. He shot a variety of firearms — rifles, pistols, machine guns and shot guns. He has had his own eye and hearing protection since he was in elementary school, and he received his first Mossberg Plinkster when he was approximately 9."¹⁷

And while Kenyon describes her child's climb up the ladder of firepower with equal doses of pride and rationalization, four months later the risks of putting a full-auto machine gun into the hands of a child was illustrated to the nation with horrific clarity. On August 25, 2014, 39-year-old firearms instructor Charles Vacca, a father of four, was shot and killed at the Last Stop gun range when he was teaching a nine-year-old on vacation with her family in Las Vegas how to shoot an UZI submachine gun. The girl lost control of the weapon as the result of the full-auto weapon's recoil. The gun climbed up out of her control and she unintentionally shot Vacca in the head. The girl then dropped the weapon and ran to her family, who huddled around her as she held her shoulder.¹⁸

In the comments section of an online article from the NRA's *American Hunter* magazine titled "Choosing Your Child's First Gun," readers detailed the ages at which they felt their own sons and daughters were ready for their first gun: five, six, seven, and older. One of the points raised in the article was the fact that the recoil from many guns can hurt child shooters. As a Virginia Beach gunsmith told the author, "The first thing you want to avoid is to not overgun your kid...You try to give an 8-year-old kid a .308 or some blowaway magnum and it's going to be too much. It will just make the child recoil shy and that's the worst thing you can do to a kid." The author added, "Not only will it hamper their ability to become accurate, but it may chase them away from the sport before they've even really had the chance to get into it, according to many experts. Every time they shoot, they'll be thinking, 'this gun is going to kick the heck out of me,' and if that thought is on their mind, they'll never be able to shoot accurately."¹⁹

One reader did take issue with the author's reticence on recommending an AR-15 assault rifle as a first gun for an eight- or 10-year-old child, writing, "If you teach your child proper firearms basics an AR is the perfect way to go. I built my six year old son one and he loves it."²⁰

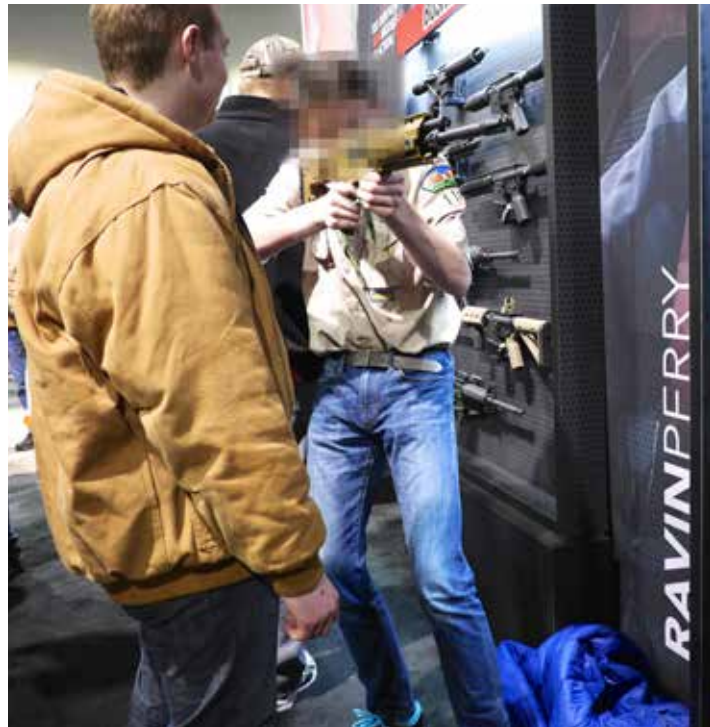


Photo from NRA's 2014 Great American Outdoor Show (Sue Roman)

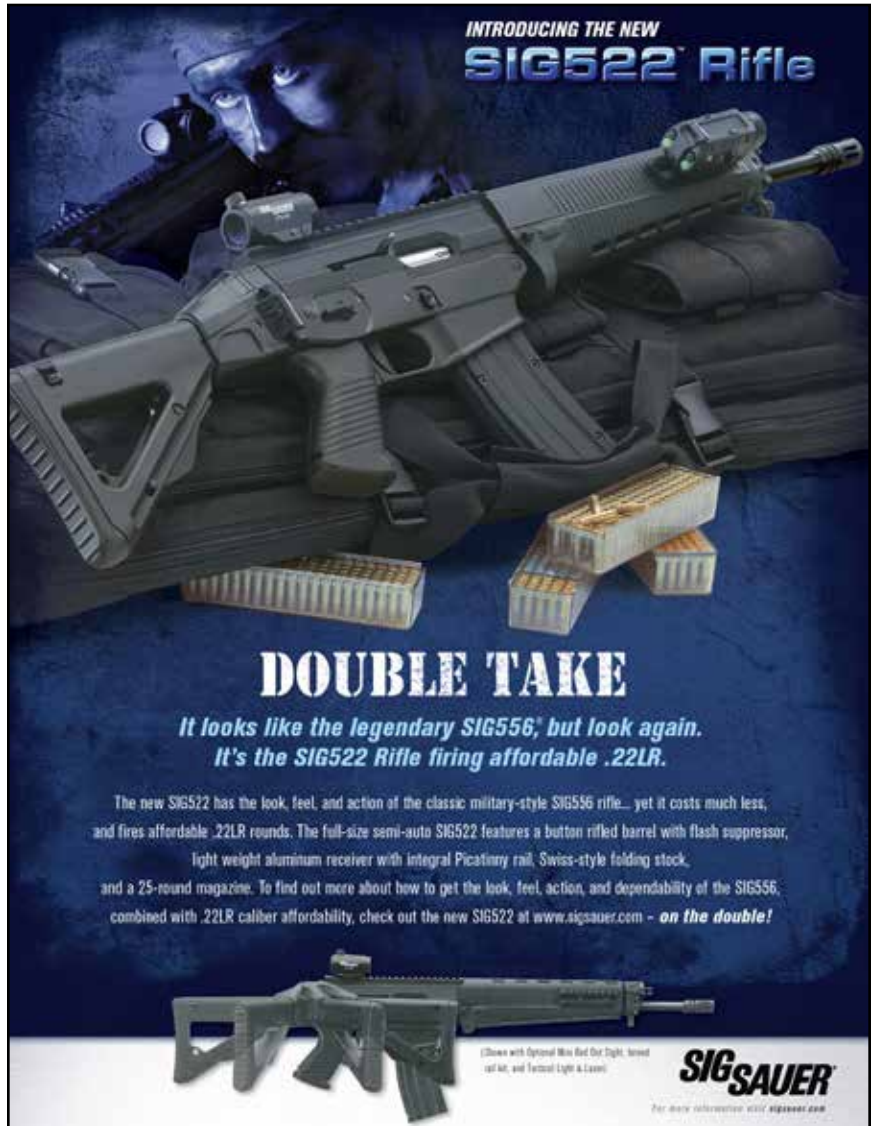
For those who don't want to wait to put an assault rifle in their children's hands, but do have concerns about recoil and the weight of the weapon, a growing industry-wide trend toward 22 caliber assault rifles, often utilizing plastic resulting in lighter weight, has taken hold and is expanding. An additional frequently cited benefit is the relatively low cost of

.22 ammunition, particularly for those who wish to train with the weapon.²¹

As one author noted in *Shooting Sports Retailer* in discussing 22 caliber AR-style assault rifles: "these guns bring the coolness and fun of the tactical rifle to kids and less serious shooters..."²² Throughout the industry, 22 caliber versions of higher-caliber assault rifles are increasingly common and frequently cited in the context of marketing guns to children:

- The product description for a .22 Bushmaster AR-15 model at the Gander Mountain Sports website states: "Designed for the indoor range and the youth shooter, this Carbon15 .22 LR Rimfire lightweight is sure to add new dimensions to your Bushmaster shooting pleasure. Operational controls are functionally and ergonomically identical to AR-15 type rifles..."²³

- "INTRODUCING THE NEW SIG522 Rifle" says a Sig Sauer ad for a new 22 caliber assault rifle that appeared in the Summer



Junior Shooters, Summer 2011

2011 edition of *Junior Shooters*. [See later section *Junior Shooters: "For Kids By Kids"*] Under the headline "DOUBLE TAKE," the text reads, "It looks like the legendary SIG556, but look again. It's the SIG522 Rifle firing affordable .22LR. The new SIG522 has the look, feel, and action of the classic military-style SIG556 rifle...yet it costs much less, and fires affordable .22LR rounds. The full-size semi-auto SIG522 features a button rifled barrel with flash suppressor, light weight aluminum receiver with integral Picatinny rail, Swiss-style folding stock, and a 25-round magazine. To find out more about how to get the look, feel, action, and dependability of the SIG556, combined with .22LR caliber affordability, check out the new SIG522 at www.sigsauer.com — **on the double!**" [Emphasis in original]²⁴

- An article in *Junior Shooters* exclaims, "One of the best dedicated AR-type .22 rifles to come out in the last couple of years is Smith & Wesson's M&P15-22. The M&P15-22 is built with high-strength polymer upper and lower receivers. This creates a reduced-weight rifle that retains the looks and operating features of the standard M&P rifle. Let me tell you, this rifle rocks!"²⁵
- A December 2013 review published on the website of Bill's Gun Shop & Range promises that the "Beretta ARX 160 in .22 LR is the company's fun version of their current military carbine that was designed in 2008. The military versions come chambered in 5.56x45mm NATO, 5.45x39mm Soviet, 6.8mm Remington SPC and 7.62x39mm Soviet. Along with the Italian Army it is also being fielded by Albania, Egypt, Kazakhstan, the Mexican Federal Police and Turkmenistan. The U.S. was in the process of evaluating it as a replacement for the M4 before the replacement process of [sic] cancelled." At the end of the glowing review, the shop concludes, "December is the perfect month for Bill's to offer this carbine as their Gun of the Month as plenty of kids (both young and old) will have a military replica .22 on their

www.billsgs.com Pinterest.com BillsGS Facebook.com BillsGS Twitter.com/BillsGS

Bill's Gun Shop & Range

www.billsgs.com

Beretta ARX160
\$539.00

Includes 100 FREE rounds of ammo.
\$45 Free Range Pass with every gun purchase.

December Gun of the Month

4080 W. Broadway Ave. **Robbinsdale** 763.533.9597 • 3621 88th Ave. **Circle Pines** 763.792.4867 • 1920 Crestview Drive **Hudson** 715.690.1198

December "Gun of the Month" from the website of Bill's Gun Shop and Range

Christmas list. The Beretta ARX 160 is a great choice and the holiday gives you the perfect excuse to buy one and act like it is a gift for your son or daughter. Just be sure to bring them to the range and let them shoot it every once in a while.”²⁶ Surrounded by candy canes, a bow, and ribbon, the assault weapon is the gun dealer’s “December Gun of the Month.”

The appeal of the Beretta assault rifle to youth was made clear at the 2014 NRA-sponsored Great American Outdoor Show in Harrisburg, Pennsylvania. At the Beretta display at the show, a constant stream of young children, some alone, others accompanied by their parents, were drawn to the models of the gun, as well as other Beretta assault weapons, as these photographs of the Beretta display at the show illustrate.



Photos from the Beretta display at the NRA's 2014 Great American Outdoor Show (Sue Roman)



Photo from NRA's 2014 Great American Outdoor Show (Sue Roman, VPC)

GUNS IN A RAINBOW OF COLORS

According to *Shooting Sports Retailer*, "More companies are offering pistols, rifles and shotguns built for smaller-framed shooters these days, with a dizzying array of models, colors and calibers to choose from. Making sure your customers get the best fit could help bring the next generation into the shooting sports."²⁷ The article, "The Best Guns for Smaller Shooters," warns:

"Lenin was famously quoted as saying 'Give me just one generation of youth, and I'll transform the whole world.' With this in mind, developing the next generation in the shooting sports isn't just a business decision: The survival of the firearms world depends on the political will of those who come after us, which is a direct result of their involvement in the shooting sports."

"So for reasons both fiscal and political, it's critical to provide products well-suited to young shooters. Although these guns have traditionally been called 'youth models,' when we started looking at the current offerings, we saw many called 'compact' versions instead. This implicitly points out that while we're using age as our primary qualifier, the features that make a gun well matched for young people also help the gun fit other shooters who are small of stature, such as females."²⁸

Most common are pink guns for women and girls. At the online Sportsman's Outdoor Superstore, potential buyers can browse "Guns with Color," which includes pistols, revolvers, rifles (including numerous assault rifles),



Photo from NRA's 2014 Great American Outdoor Show (VPC)

and shotguns. Under pink pistols are weapons from Beretta, Browning, Cobra, Kel-Tec, SCCY, Ruger, Sig Sauer, Taurus, and Walther. Pink guns for females are a key marketing tool for girls:

- “When 8-year-old Sara saw the gun, she knew she wanted to shoot it. Even though she’d never shot a gun before in her life and had never shown an interest in shooting, once she took a look at the ‘Muddy Girl’ from Henry Repeating Arms, she wanted to take her first shot.”

“New in 2014, this Henry mini-bolt rifle, called the Muddy Girl, sports its namesake’s camo pattern — a zany hot-pink-purple-and-black combination that belongs on more guns than just this little wonder. It makes a lifestyle statement for females that says, ‘This gun is mine. Get your own...’”

“Sara, a ‘girly-girl’ who likes to cheerlead, left her pompoms behind, yet still coordinated her pink-and-black matching apparel for the photo shoot. Out on the range, her Aunt Marti — a pro-staffer for Mossy Oak and Moultrie Products...showed her how to shoulder the gun and how to weld her cheek to the curvy, synthetic stock...”

“‘I like the color and the size of this gun,’ said Sara. ‘And I also like that it didn’t kick me and it was easy to use...’”

“Its one-piece synthetic stock has been designed with just the right angle for little hands to grasp the gun firmly and still pull the trigger with confidence.”²⁹

- Writing in *Junior Shooters* magazine, 12-year-old Casey Lutz is featured with a pink CZ bolt-action youth rifle. Says Lutz: “When my dad brought home the gun, a CZ 452 Scout, chambered in 22 long rifle, I was



Savage Arms youth rifles are featured at the NRA's 2014 Great American Outdoor Show (Sue Roman) and in *NRA Family InSights*

excited to see that the gun was pink! My first thought was, 'Finally, a cool gun for a girl!' It's nice to see that companies like CZ make guns specifically for young women shooters. The second thing I noticed was the gun was small and compact and was designed to fit kids."³⁰

A crayon-box of colors is offered for guns specifically targeted at youth, including the 22 caliber weapons through which they are most likely to be introduced to shooting.

- Smith & Wesson offers a 22 caliber version of its M&P15 (M&P stands for Military & Police) AR-15 assault rifle in bright colors that include Pink Platinum, Purple Platinum, and Harvest Moon Orange.³¹
- Savage Arms' youth rifle, the Rascal, presents the gun in child-friendly colors: red, yellow, orange, pink, and blue. In an ad for the youth rifle, the company promises that the firearms deliver "ONE SHOT, ONE THRILL!"
- On its website, featuring assault rifles "built by Americans, for Americans," Black Forge Weapons offers "Youth Model" AR-15 assault rifles that come in orange, violet, green, blue, and red.³²



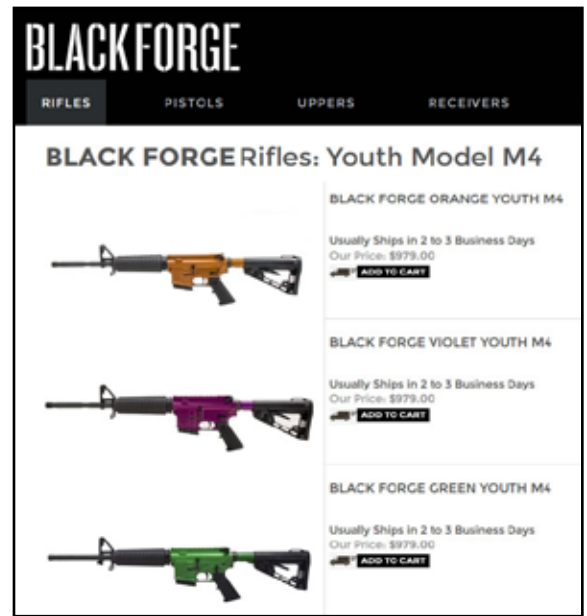
Twelve-year-old Casey, *Junior Shooters*, Summer 2011



Eight-year-old Sara, *NRA Family InSights*



Bright-colored .22 assault rifles featured on the Smith & Wesson website



"Youth Model" Black Forge AR-15-style assault rifles

THE "FISCAL AND POLITICAL" BENEFITS OF MARKETING GUNS TO CHILDREN

As noted by *Shooting Sports Retailer*, the impetus for marketing to children is both "fiscal and political."³³ In addition to the hoped-for financial benefits of marketing guns to youth, a corollary goal is to ensure that such an effort will help maintain a pro-gun base for political action.

Writing in the NRA's *America's 1st Freedom* magazine, Editor Mark Chesnut warns that "the future of our freedom — and our shooting and hunting heritage — lies in our children and grandchildren. Let's not get too busy or too focused on ourselves and our own activities to pass along to our kids the important things they need to know in order to be informed citizens and voters in the future."³⁴

In a Spring 2012 editorial, *Junior Shooters* Editor-In-Chief Andy Fink chided those gun industry members who, when urged to target youth, respond, "Oh, that isn't my market?"³⁵ Noting that it's not just an issue of jobs, but of "gun rights," he warns:

"It is thrilling to see so many people supporting juniors around the country. People are volunteering their time. Companies and organizations also provide time, energy, products, and money to ensure the shooting sports continue. However, we are not doing enough. All the companies involved in the shooting industry



Junior Shooters, March 2011

need to realize our youth are the future of the shooting industry and thus each job within the industry is dependent upon juniors growing up with an appreciation for the sport we love. Each adult needs to help in some way by volunteering, or promoting youth shooting. This effort will also have a huge impact on retaining our gun rights, our hunting heritage, and wildlife conservation. We all need to do our part.”³⁶

Later that year, Fink revisited the issue:

“Each person who is introduced to the shooting sports and has a positive experience is another vote in favor of keeping our American heritage and freedom alive. They may not be old enough to vote now, but they will be in the future. And think about how many lives they will come in contact with that they can impact! Each of us affects others, and it is up to us how we make an impact on the future.”³⁷

Or, as a *Junior Shooters* promotional ad for itself in the magazine cheerfully explained under the headline “Junior Shooters: Making a Mark” — “This is not your everyday magazine. This is a magazine for kids and parents interested in preserving our 2nd Amendment rights. But not in a stuffy shirt, political way. We want to have fun. Join us.”³⁸

And in an article on the National Shooting Sports Foundation’s 2015 gun industry summit, *Shooting Sports Retailer* stated:

“And of course, the problem with failing to recruit and grow is that numbers equate to political power. In an era when the private ownership and use of firearms, the right to ‘keep and bear arms,’ has come under increasing pressure, numbers and a young, vital membership are critical.”³⁹



Junior Shooters, Summer 2013



Junior Shooters, Summer 2012

JUNIOR SHOOTERS: "FOR KIDS BY KIDS"

Perhaps the most honest and unvarnished look into the ongoing effort to create a youth gun culture can be found in *Junior Shooters*, available online and in print format.

Based in Boise, Idaho, the magazine "strives to be the first of its kind to promote juniors involved in all shooting disciplines..." and is "dedicated to juniors of all ages and their parents." The publication adds, "We care about kids and their parents and want you to have a place to go to find what is needed to get started in many different shooting venues."⁴⁰

A magazine dedicated to junior shooters of all shooting disciplines
Junior Shooters
 MAKING A MARK
JUNIOR SHOOTERS

HOME ABOUT US ADVERTISE ARTICLES Books & DVDs CATEGORIES CLUBS COOL STUFF EVENTS GET INVOLVED LINKS SAFETY SUBSCRIBE

\$5 OFF
 Any order of \$50 or more
CREEDMOOR SPORTS
 Mention Jr. Shooters Magazine

Lyman
 Start Reloading with the Stuff You'll Keep

Hodgdon Announces IMR 4955
 WELCOME TO OUR SITE...
 Please pardon our dust while we make some changes!

Powder
 Posted By admin on November 11, 2015

IMR
 LEGENDARY POWDERS

IMR 4955 Added to Enduron® Series of Technology Advanced Smokeless Powders

Shawnee, KS, November 11, 2015 – IMR® Legendary Powders is pleased to announce

IMR 4955, the latest introduction to the Enduron® series of smokeless powders.

IMR 4955 lands between IMR 4451 and IMR 7977 on the burn rate chart and is an ideal choice for many popular calibers such as 270 Winchester, 25-06 Remington and the 300 Winchester Magnum. Enduron® Technology allows accuracy to be maintained over longer shooting sessions, thanks to a special additive which helps remove copper fouling as the rifle is fired.

This environmentally friendly formulation delivers ideal loading densities in medium and big game hunting calibers.

Ballistic variations based on climate conditions are a thing of the past with IMR 4955, thanks to its temperature insensitivity. From extreme heat to extreme cold, shooters will see uniform velocities. IMR 4955 has a small grain size, making it extremely

SPONSORS

RUGER AMERICAN RIFLE
 CLICK HERE TO LEARN MORE!

MGM TARGETS

ROCK RIVER ARMS
 INTRODUCING THE LAR-6.8 COYOTE CARBINE

STAG ARMS
 WWW.STAGARMS.COM

TRIPLE SILENCE PRACTICAL SHOOTING

The home page for *Junior Shooters* features ads for assault rifle manufacturers Rock River Arms and Stag Arms

Visitors to the website are greeted by ads for AR-15 assault rifles. Clicking on the Rock River Arms ad for its LAR Coyote Carbine, the viewer is taken to a full description of the weapon on the company's website, and the ability to explore the full site. An ad for Stag Arms shows an AR-15 assault rifle and in a series of panels asks the questions "LEFT HANDED?" "RIGHT HANDED?" "WE'VE GOT YOU COVERED!" Clicking on the ad brings you to the company's website.⁴¹

Additional gun manufacturers listed as sponsors on the website are: companies that manufacture only assault weapons, such as Bushmaster (manufacturer of the AR-15 assault rifle used in the 2012 Sandy Hook Elementary School shooting in Newtown, Connecticut that left 20 students and six educators dead) as well as the aforementioned Rock River Arms and Stag Arms; companies that manufacture assault weapons and high-capacity pistols, such as FNHUSA, Remington, Sig Sauer, Smith & Wesson, and Sturm, Ruger & Company; and, companies that manufacture solely pistols, such as Glock.⁴² Each issue of *Junior Shooters* contains an Advertiser's Index at the back of the magazine. Among the associations listed as sponsors of the publication is the gun industry trade association the National Shooting Sports Foundation (NSSF) and National Rifle Association Youth Programs.

Little known outside of pro-gun circles, the magazine frequently presents a blunt view of the financial and political benefits that recruitment of children offers the pro-gun movement.

In discussing the benefits of "junior shooters" to the gun industry and gun lobby, Editor-In-Chief Andy Fink explains, "Juniors start shooting, and become interested, in related sports at a young age, as young as six, seven, or eight" and can continue as a "junior" shooter until the age of 18 or 21, adding, "They may also have the build of a young youth or an adult."⁴³

Fink makes the case that literally every firearms product can be marketed to "juniors," including concealed carry pistols (with the goal of the youth eventually obtaining a concealed carry permit when old enough) and assault rifles, writing:

"What market isn't tied to juniors? I really can't think of any. Military and law enforcement firearms have civilian versions which are applicable. The Concealed Carry Weapon (CCW) market has firearms which hold 10-rounds which is the limit for IDPA [International Defensive Pistol Association] competition.⁴⁴ When the junior turns 21 they can get a CCW permit. What do they buy? It is usually a gun from a manufacturer they are familiar with."⁴⁵

Promising content "For Kids By Kids," articles in the magazine, with headlines such as "Why I Love Bushmaster AR-15s...You Should, Too"⁴⁶ commonly promote high-capacity semiautomatic pistols and assault rifles, often referred to by the industry-promoted euphemism "Modern Sporting Rifles" (MSR). At the same time, advertisements for assault weapons, high-capacity pistols, and firearm accessories are ubiquitous. Examples of the types of weapons and accessories promoted for children and youth in editorial content and advertisements are offered below.

- A 2014 press release from gun manufacturer Mossberg included with online articles on the *Junior Shooters* website boasts that the company has "45 Firearms Developed Specifically for Smaller-Statured or Younger Shooters." The self-proclaimed "leader in the development and design of firearms for younger and small-statured shooters," the company touts its "recently-launched Mossberg 2014 Youth Catalog" and lists among its "industry-partners" the National Shooting Sports Foundation and the National Rifle Association.⁴⁷

- A profile of an AR-15 assault rifle upper receiver states that the “Adams Arms 14.5” Evo Ultralite Piston AR-15 upper is a great upper for a junior shooter; it’s light, it’s short, and it’s accurate.”⁴⁸

“One advantage to having such a short, light upper is maneuverability and ease of use by younger, smaller shooters. At one local 3-Gun match [see the later section, *The Industry Finds Its “Reality” Video Game* in *3-Gun Competition*], there was a long hallway with four doorways that you had to shoot through. The targets were set up so you had to move into the doorway. The short barrel really helped me move in and out of the doorways quickly. It was a real advantage.”⁴⁹

- In a 2009 article that comes across more as a promotional piece, “The Mosquito: A Cool .22 With A Sting,” Editor-in-Chief Andy Fink writes, “The .22 Mosquito is a real stinger.” Spread across the top of the page is manufacturer Sig Sauer’s logo. At the bottom is a picture of the pistol in pink, with the caption “The pink Mosquito — For the ladies!” Promising that the pistol’s “slide is easy to operate even for youngsters,” in the article Fink tests the gun, as do children ages 11, 12, 14, and 16. Fink reports, “Each of them liked the feel of the gun and operation. They had to get used to the first shot cocking the hammer being double-action with a heavy trigger pull of 12.1 pounds.”⁵⁰

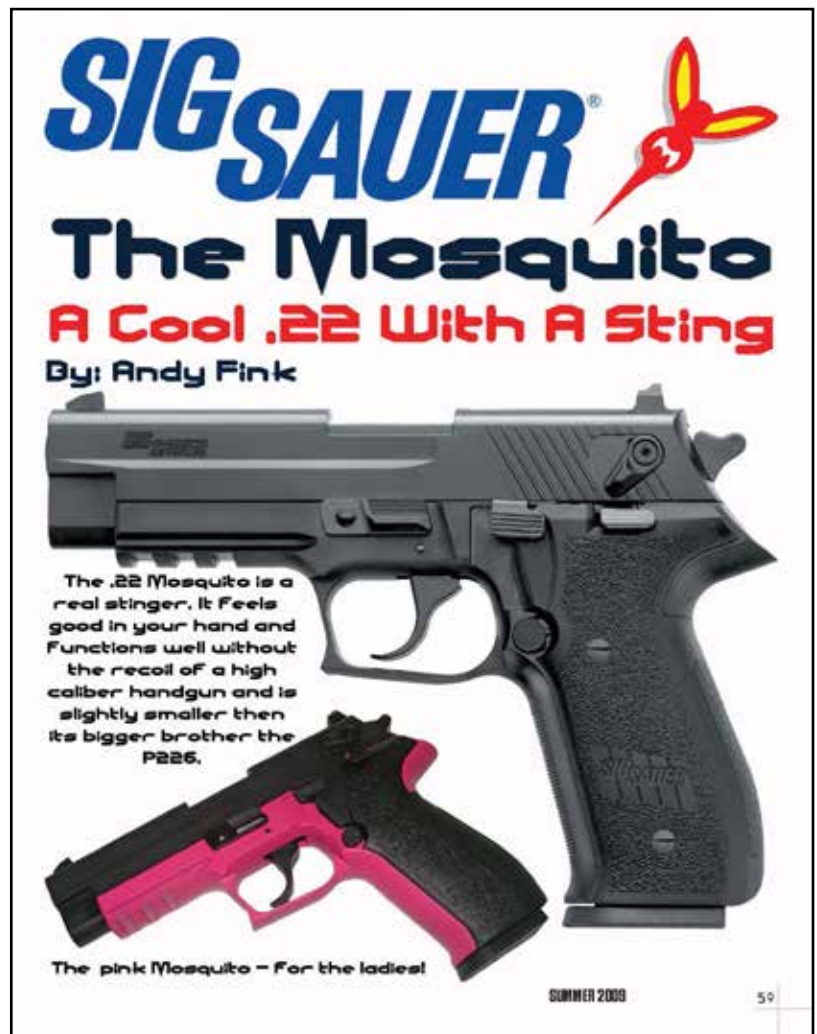
Four years later, Fink revisited the gun, this time with three co-authors, two age 13 and one 18 years old:

“This pistol is sweet! It looks cool. It fits in your hand well, even the small hands of juniors and smaller women. It’s a double/single-action semi-auto and is great for plinking and practice...⁵¹ Sig Sauer’s Mosquito has an ergonomic design to provide an enjoyable shooting experience. It is based on the design of the Sig Sauer P226 but is 10% smaller in size and chambered for the .22 long rifle cartridge.”⁵²

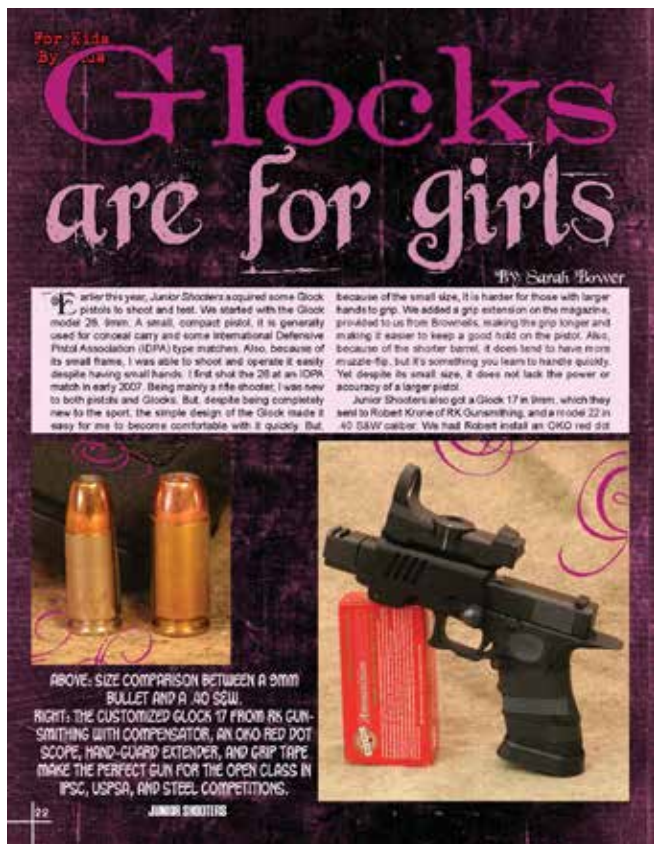
In the article, endorsements for the pistol are offered by two 13-year-old boys:

“Hayden Lierman (13): My .22 Mosquito pistol is the Desert Digital Camo model manufactured by Sig Sauer...The pistol looks cool and feels like a Beretta, which I think is awesome. It’s a desert camouflage color.”⁵³

“Wyatt Irish (13): At first I thought that it was way too small to be



Junior Shooters, Summer 2009



Junior Shooters, Summer 2009



Junior Shooters, Summer 2010

reliable...However, one thing was for sure: I loved how the grip felt in my hand. For a person with small, bony-fingered, 13-year-old hands, the grip almost felt custom fit.”⁵⁴

- In “Glocks are for Girls,” the magazine reviews “a small, compact pistol” that is “generally used for conceal carry.” The reviewer notes that “because of its small frame, I was able to shoot and operate it easily despite having small hands.”⁵⁵
- Under “Kids’ Gear” the magazine promotes online shooting sports accessories marketer Brownells (headed by NRA Board Member Pete Brownell) and features an assault rifle with a 100-round ammunition magazine:

“WOW! Do you need shooting accessories to go with your firearm? What about optics, mounting equipment, slings, magazines, cleaning materials, and parts? Brownells carries just about anything you can imagine... Junior Shooters has been working with Brownells since it started publication. We have found them to [sic] very supportive of promoting juniors and the shooting sports, and their customer service is excellent! We seriously recommend you check them out at www.brownells.com.”⁵⁶
- “FIREFIELD SALUTES YOU, JUNIOR SHOOTERS!” is the headline atop a full-page ad from parts and accessories manufacturer Firefield. Below two males dressed in camo, one holding a shotgun and the other brandishing a pistol, the text reads:

FIREFIELD SALUTES YOU, JUNIOR SHOOTERS!



We know that you are tomorrow's leaders of the industry, the ones who continue to value and support the outdoors through shooting. The one's who will continue to uphold the values of our country. The one's who will introduce the value of the great outdoors to the next generation and instill in them the love and respect that comes with being a shooter. Firefield isn't all about winning. We know the real victory lies in getting out there, smelling the fresh air and holding freedom in your hands. Let's keep that victory for the next junior shooters.

Firefield-Victory Justifies Everything!



www.fire-field.com

Be sure to follow us on facebook and twitter.

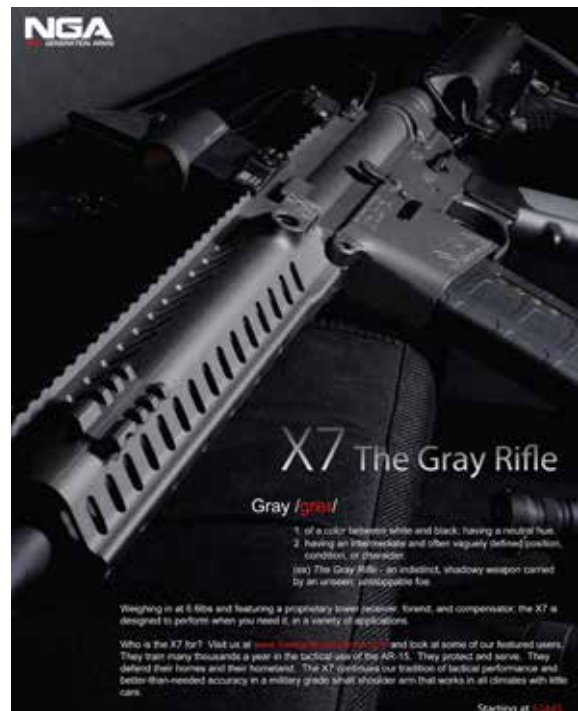
Junior Shooters, Winter 2011

“We know that you are tomorrow’s leaders of the industry, the ones who continue to value and support the outdoors through shooting. The one’s [sic] who will continue to uphold the values of our country. The one’s [sic] who will introduce the value of the great outdoors to the next generation and instill in them the love and respect that comes with being a shooter. Firefield isn’t all about winning. We know the real victory lies in getting out there, smelling the fresh air and holding freedom in your hands. Let’s keep that victory for the next junior shooters.”

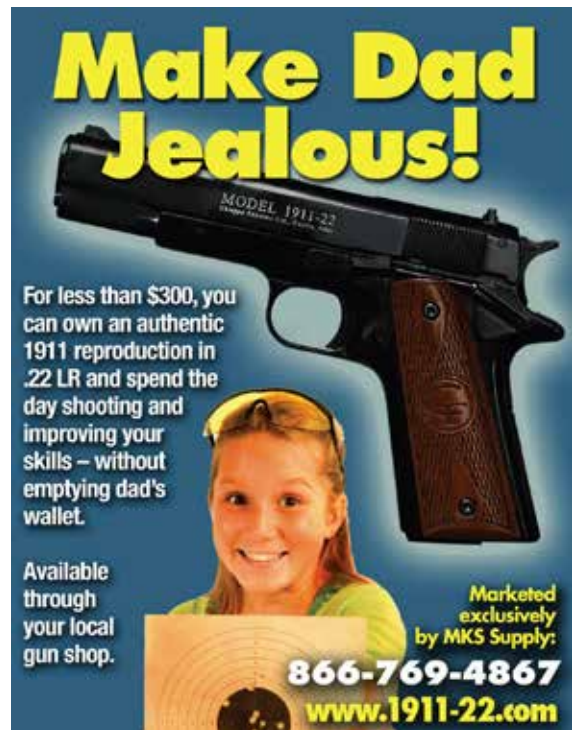
The ad ends with “Firefield — Victory Justifies Everything!”⁵⁷

In addition to the implicit advertising benefits *Junior Shooters*’ articles “For Kids By Kids” offer the gun industry, the magazine regularly features full-page ads from gun companies, many featuring assault rifles and high-capacity pistols:

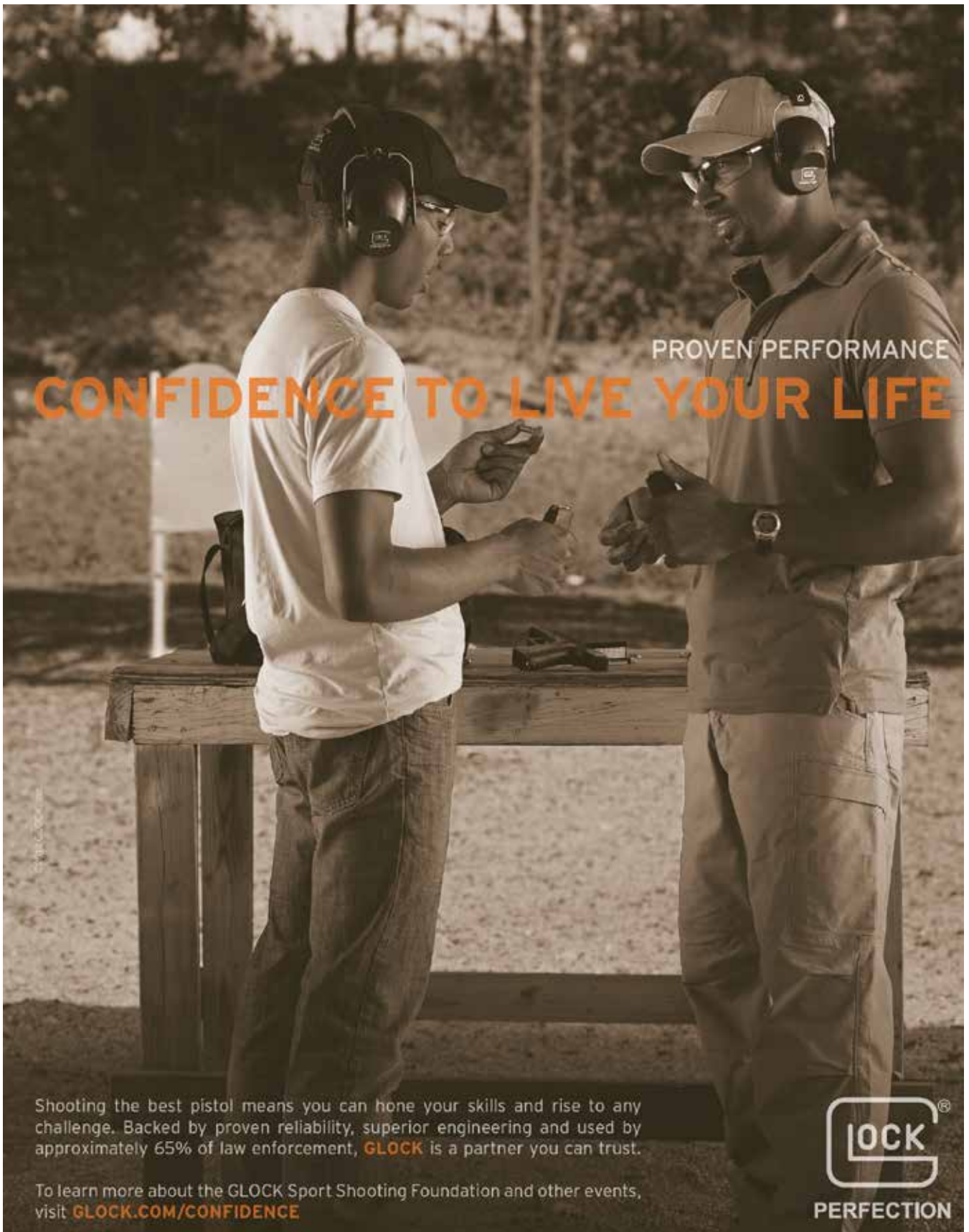
- A full-page ad from Next Generation Arms for its X7 AR-15-style assault rifle states: “*The Gray Rifle* — an indistinct, shadowy weapon carried by an unseen, unstoppable foe.” The ad continues: “Who is the X7 for? Visit us at www.nextgenerationarms.com and look at some of our featured users. They train many thousands a year in the tactical use of the AR-15. They protect and serve. They defend their homes and their homeland. The X7 continues our tradition of tactical performance and better-than-needed accuracy in a military grade small shoulder arm that works in all climates with little care.”⁵⁸
- An ad for a 22 caliber 1911 pistol has the headline “Make Dad Jealous” with a smiling young girl holding a target as the centerpiece. The text reads, “For less than \$300, you can own an authentic 1911 reproduction in .22 LR and spend the day shooting and improving your skills — without emptying dad’s wallet. Available through your local gun shop.”⁵⁹



Junior Shooters, March 2011



Junior Shooters, Winter 2011



PROVEN PERFORMANCE

CONFIDENCE TO LIVE YOUR LIFE

Shooting the best pistol means you can hone your skills and rise to any challenge. Backed by proven reliability, superior engineering and used by approximately 65% of law enforcement, **GLOCK** is a partner you can trust.

To learn more about the GLOCK Sport Shooting Foundation and other events, visit [GLOCK.COM/CONFIDENCE](https://www.glock.com/confidence)

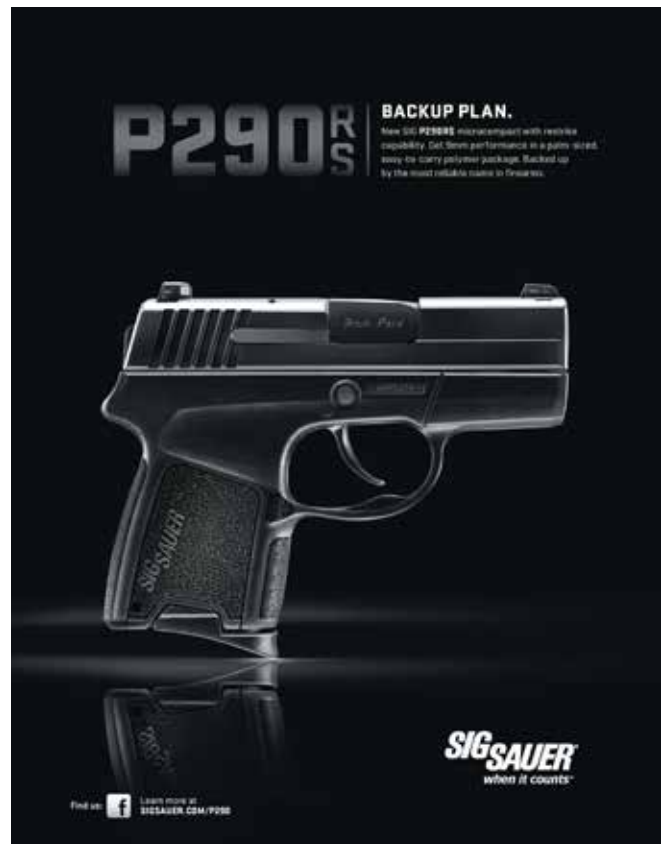
GLOCK®
PERFECTION

Junior Shooters, Spring 2013

- A full-page ad for Glock pistols shows two black males, a youth and an adult, at an outdoor range, with the headline “Confidence to Live Your Life.” The ad, in which the youth is holding an ammunition magazine in one hand and a round in the other, states, “Shooting the best pistol means you can hone your skills and rise to any challenge. Backed by proven reliability, superior engineering and used by approximately 65% of law enforcement, GLOCK is a partner you can trust.”⁶⁰
- A full-page ad from Stag Arms features an AR-15-style assault rifle with a high-capacity ammunition magazine and promises that the gun is “Adaptable To Any Application.”⁶¹
- An ad for Rock River Arms’ LAR Series of assault rifles (which come in Varmint and Predator models) states, “From varmints to vermin, predators to prey, RRA LAR-8 Series Rifles.”⁶²



Junior Shooters, Spring 2012



Junior Shooters, Spring 2013

- A full-page ad for Sig Sauer’s SP2022 pistol features the handgun, notes that it comes in 9mm, .357, and 40 caliber and adds, “No wonder it’s becoming the standard choice among elite military and LE [law enforcement] forces worldwide.”⁶³ A second full-page ad from the company for its “microcompact” P290RS concealed carry pistol states, “Get 9mm performance in a palm-sized, easy-to-carry polymer package.” The tag line for the ad states, “Sig Sauer, when it counts.”⁶⁴

NRA "JUNIOR MEMBERS"

Since 1981, and until recently, the National Rifle Association has published in print or online *NRA InSights* magazine for its Junior Members⁶⁵ under the age of 15 (although the online content is available to anyone).⁶⁶

The industry's focus on youth as its financial savior is made clear in an ad for Marlin's XT rimfire rifle that appeared in the online version of the magazine. The headline of the ad reads, "FOR THE FUTURE OF OUR SPORT, IT'S THE MOST POWERFUL FIREARM ON EARTH." With a picture of a father and son together, the ad promises that the gun can "light a fire for the shooting sports or rekindle your own." Clicking on the ad leads the reader to the company's website and its full product line. Another online ad, for the Kel-Tec PMR-30 pistol, links to the company's website, where the first three images that greet the reader are adult shooters holding assault rifles.⁶⁷

In January 2014, the NRA changed the title of *NRA InSights* to *NRA Family InSights* and switched to an online-only format for the magazine with accompanying website. In an editorial announcing the switch, the magazine promised, "In addition to the fun and informative content designed just for Junior members, we'll be including articles, photos, reviews and news for everyone in your family — parents, grandparents, and other family members."

In its "Industry Spotlight," the site features a profile of NRA Board Member Ronnie Barrett, inventor of the 50 caliber sniper rifle. Fifty caliber sniper rifles, used by U.S. troops around the world, can bring down commercial aircraft on takeoff and landing, pierce armor plating, and are accurate to more than a mile. They are banned in the state of California and the District of Columbia, but elsewhere they are as easy to purchase as a hunting



NRA *InSights* online edition



NRA *InSights* online edition

rifle under federal law. The promotional profile finishes with, “To read more about Ronnie Barrett and Barrett Firearms, go to www.barrett.net.” By clicking on the link, the reader is taken to Barrett’s website which features solely assault rifles and 50 caliber sniper rifles.⁶⁸

Under “Kids,” visitors are presented with two subsections: “Under 8” and “8 and Up.” Both include a section titled “Guns.”⁶⁹

A review of the Thompson/Center HotShot rifle in the “Under 8” section states:

“It’s important to make a distinction here. With the HotShot, we’re not talking about a slightly reduced-size rifle for teens who are not quite ready for a full-size gun. No, we’re talking about a tiny gun intended for the very youngest shooters — the ultimate first gun. ‘We’re targeting the six- to 12-year-old range and feel that with the inclusion of the one-inch spacer in the box, there will be a longer period that the child can use the rifle, potentially out to 15 years old,’ explains...[Craig Cushman, director of marketing for Thompson/Center].”

“That’s important. With the number of hunters declining, it’s crucial to get kids introduced to the sport as early as possible.”

“The HotShot means that even the youngest shooters now have a gun sized just for them.”⁷⁰

Also included in the website’s “Under 8” section are “Awesome Apps,” which include for \$2.99 the *NRA Gun Guide* app. Text promoting the app asks:

“Do you like the idea of being able to call up the specs of multiple firearms on a whim? Looking to win the next debate about calibers and models at the range? If so the ‘NRA Gun Guide’ app is exactly what you’ve been waiting for.”

“The ‘NRA Gun Guide’ is searchable by gun type, action type, manufacturer, price range and caliber/gauge, making it easy to find out vital info about the rifle in your local gun store or that pistol your buddy is trying to get you to buy at an inflated price.”

“With an easy-to-follow design, the ‘NRA Gun Guide’ is suitable for all levels of interest in firearms or experience with mobile apps. And, as new content is regularly added, it can only get better.”⁷¹

When opened, the app promises “Hundreds of Guns Inside!” The “Semi-Auto Handguns” category of the app contains a wide range of pistols from major manufacturers (Beretta, Colt’s Manufacturing, Glock, Heckler & Koch, Kel-Tec, Sig Sauer, Smith & Wesson, Sturm, Ruger & Company, and others) including numerous high-capacity firearms as well as guns recommended for concealed carry. The “Semi-Auto Rifles” category of the app is dominated by military-style assault rifles — AR-15s and others, including 50 caliber sniper rifles. Assault rifle manufacturers included in the category include Barrett, Beretta, Bushmaster, Colt’s Manufacturing Co., DPMS, FNH-USA, Heckler & Koch, Rock River Arms, and others.



NRA Gun Guide App

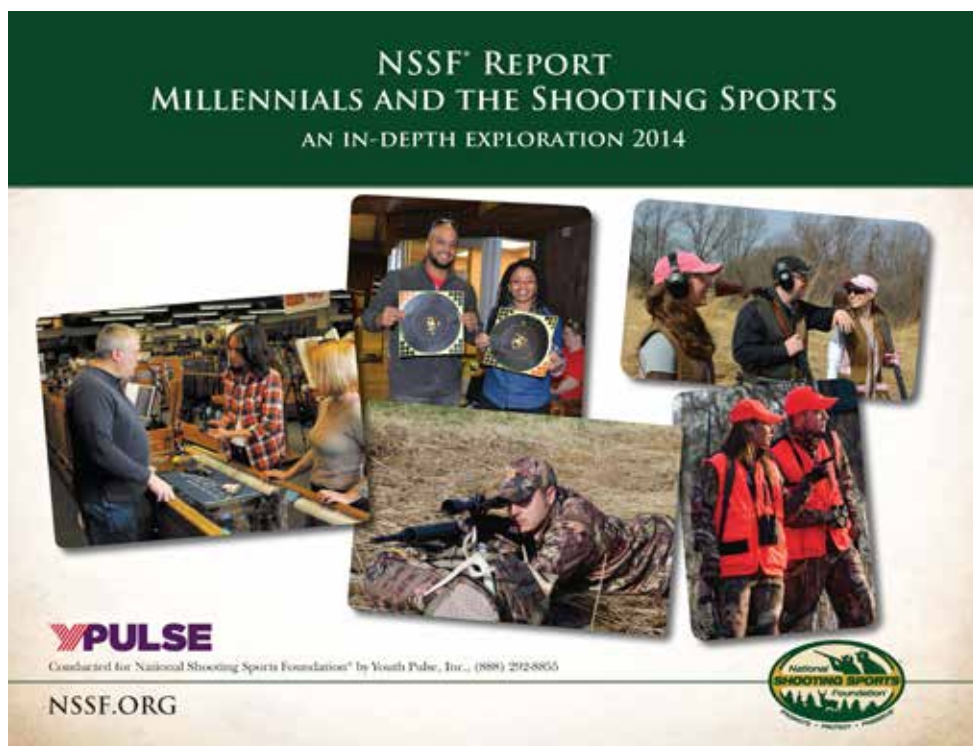
An article titled “My First .22 Pistol” offers reassurance to those wanting to introduce children to guns: “Fortunately for you, there are many people — neighbors, coaches, competitors, sales staff — who want to encourage youth shooters and turn them into lifelong firearms enthusiasts and Second Amendment advocates.” The article notes that a young person’s first pistol may come from brothers or sisters, or a “hand-me-down from someone you meet at the shooting range.”^{72 73}

The NRA has a wide range of additional programs focused on youth, some of which are named for their gun industry funders, such as the Brownells/NRA National Youth Shooting Sports Ambassador Program, Brownells/NRA Day, and the Winchester/NRA Marksmanship Qualification Program. (In addition, the NRA has launched a concerted online effort with gun industry support to reach out to Millennials.)

NATIONAL SHOOTING SPORTS FOUNDATION: THE GUN INDUSTRY’S TOBACCO INSTITUTE

While the National Rifle Association functions as the *unofficial* trade association for the firearms industry, the National Shooting Sports Foundation (NSSF) is its official trade association. In a grim irony, NSSF’s headquarters is located in Newtown, Connecticut. The role played by the NSSF within the gun industry is not unlike that which was played by The Tobacco Institute for the tobacco industry. The NSSF offers a wide range of publications for its industry patrons, focusing primarily on marketing. At the same time, just as The Tobacco Institute denied a causal link between cigarettes and cancer, the NSSF continually works to minimize the hazards associated with exposure to firearms, especially by children.

For example, in December 2011, NSSF issued a press release that made the claim that hunting, as measured by injuries per number of participants, was actually safer than bowling, claiming a “percentage of injury per 100 participants” of only .05 percent compared to .06 percent for bowlers. Using NSSF’s math, hunting was behind only camping and billiards in its low rate of injury. Other activities NSSF claimed hunting was safer than included golf and tennis. Left out of NSSF’s equations were the



NSSF’s *Millennials and The Shooting Sports: An In-Depth Exploration*

severity of injuries for each category, that is, those injuries, if counted, that resulted in crippling disability or death (a distinction that might have benefited golf and tennis as compared to hunting, which included not only those injured by gunfire, but also from falling out of treestands).⁷⁴ Soon after, in a focus group of 12- to 16-year-olds conducted for NSSF and another organization, a similar argument was made and countered:

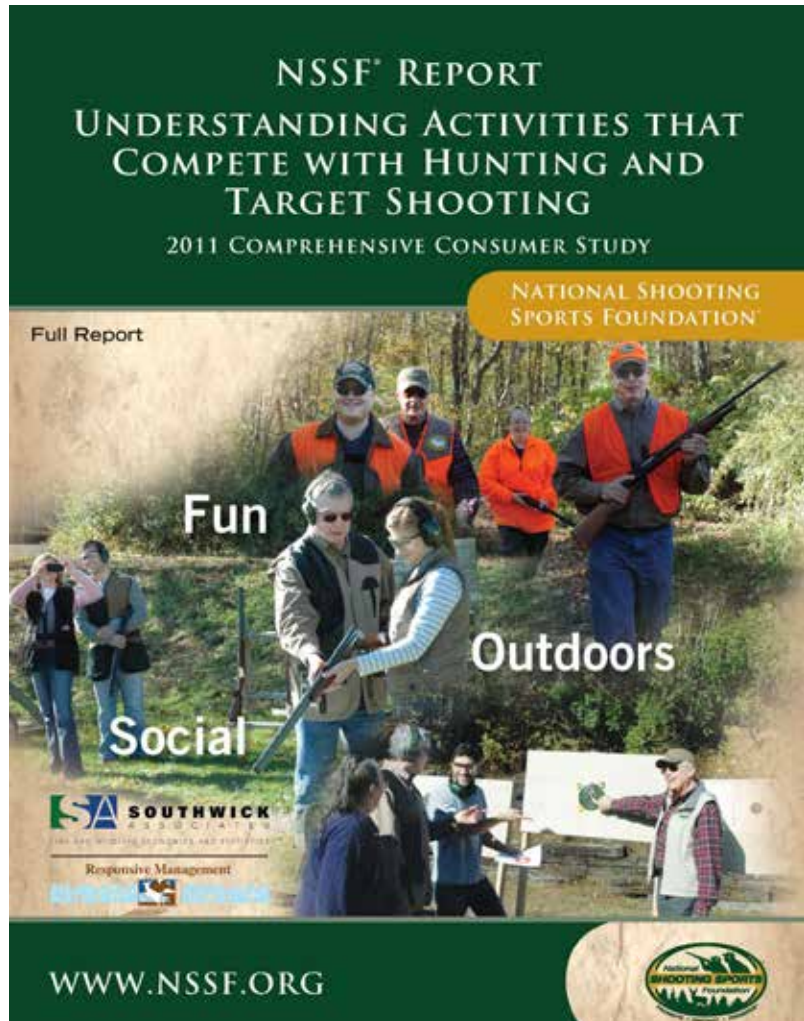
“A substantial number of individuals said that hunting and target shooting were rather dangerous activities due to the involvement of firearms. However, others insisted that hunting and shooting were no more dangerous than many mainstream sports; one person suggested that although the *rate* of injuries in hunting and target shooting is generally lower, any accidents that do occur are more likely to be fatal.”⁷⁵

In all of NSSF’s publications the lethal risk from guns is rarely acknowledged, except as a marketing hurdle. When it is, gun death is consistently presented as being synonymous solely with unintentional shootings. Rarely are gun homicides — with youth as either perpetrators or victims — or suicides ever mentioned. Moreover, the risk of death from guns is, at best, only hinted at as illustrated by this “Message to Kids About Firearms Responsibility” from NSSF’s *A Parent’s Guide to Recreational Shooting for Youngsters*:

“Not long ago, in another town, some kids found a firearm. Maybe they were looking for it because of something they saw on television. Maybe one of them dared the other to find it. Maybe they just found a firearm that was left out by mistake. It doesn’t matter why they found it. What matters is the firearm was loaded, and they played with it. Now they are very sorry they did. Don’t let this happen to you.”⁷⁶

The passage is striking, but not unique, in its ability to place blame, whether it be on television, negligent parents, or the kids themselves, on virtually anyone except the industry.

NSSF issues a constant stream of publications, both to support, and defend, the firearms industry in the marketing of its products. Recent NSSF marketing publications (some publicly available, others limited to NSSF industry members) include titles such as: *Millennials and The Shooting Sports: An In-Depth Exploration* (2014); *Understanding Diversity in Hunting and Shooting Sports* (2013); *Understanding the Impact of Peer Influence on Youth*



NSSF’s *Understanding Activities that Compete with Hunting and Target Shooting*

Participation in Hunting and Target Shooting (2012); and, *Understanding Activities that Compete with Hunting and Target Shooting* (2012).

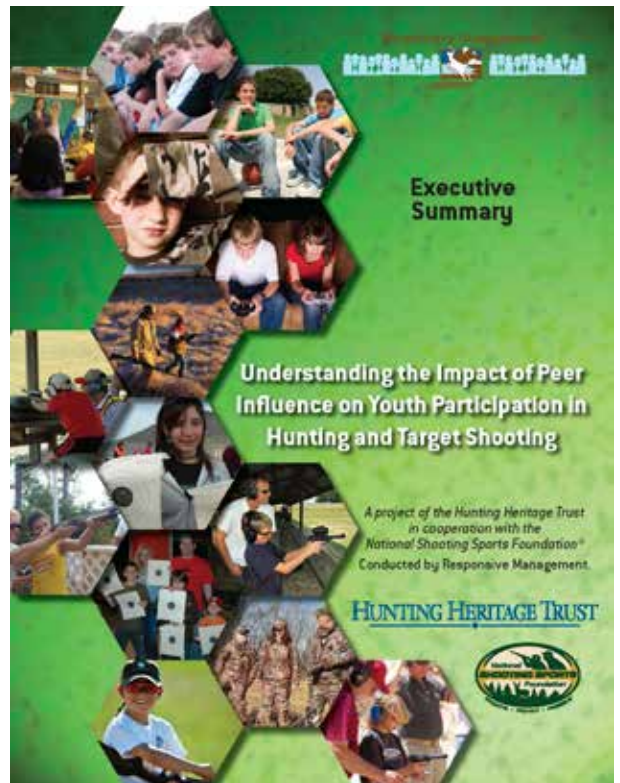
Among the “11 main points to consider” in the executive summary of the NSSF report *Understanding Activities that Compete with Hunting and Target Shooting* are “Electronic and indoor recreation are a threat to recruiting new hunters and target shooters,” “Losing hunters and target shooters to competing activities is a subtle process,” and, “Start them young.”⁷⁷

Discussing the “threat” posed by electronic and indoor recreation, the report presents findings “worth noting” from a 2010 study by the Kaiser Family Foundation: “It is estimated that today’s youth 8 to 18 years old spend an average of 53 hours a week on electronic media entertainment,” and, “Nearly three-quarters (71%) of youth have a television in their bedroom.” NSSF suggests, “Rather than trying to stop youth from using electronic media, the hunting and target shooting industry should use those media to its advantage.” “Tactical strategies” toward this end as cited in the report include:

- “The industry should use social media and web sites to raise interest and help youth find ways to hunt and target shoot.”
- “The industry should team with current online media firms to take advantage of their reach and their abilities to communicate with youth.”
- “Because youth are online to be entertained, messages that emphasize fun should be used in this setting.”⁷⁸

Under a section titled “Start Them Young,” the report states, “There is a clear link between avidity and age of initiation in hunting....”⁷⁹ “Tactical strategies regarding initiation” detailed in the study include:

- “To help hunting and target shooting get a head start over other activities, stakeholders such as managers and manufacturers should target programs toward youth 12 years old and younger. This is the time that youth are being targeted with competing activities.”
- “It is important to consider more hunting and target shooting recruitment programs aimed at middle school level, or earlier.”
- “Programs that have helped in hunting and target shooting recruitment should be implemented; for instance, it is important to implement more youth programs like *Families Afield*⁸⁰ and apprentice licenses.”⁸¹



NSSF's *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting*, Executive Summary

Recognizing that “not all youth can be born into the ideal environment for creating a lifelong hunter or shooter (i.e., as a male within a hunting or shooting family in a rural environment),”⁸² the 2012 report *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting* urges that a “‘Youth Hunter and Shooter Ambassador Program’ be initiated to capitalize on the current population of youth hunters and shooters who can positively influence their fellow peers’ attitudes toward the sports.”⁸³ The report, sponsored by both NSSF and the Hunting Heritage Trust, explains how such “youth ambassadors” would be “performing a major service for the hunting and shooting sport communities”—

“The more familiar youth are with individuals their own age who participate in hunting and shooting, the more likely they will be to support and actively participate in these activities. In this sense, youth hunters and shooters are the key to their fellow friends’ and students’ acceptance of these activities. Given this direct relationship, it is imperative that youth hunters and shooters recognize the weight and importance of their words and actions with regard to their peers’ perceptions of hunting and target shooting...”

“If non-hunting and non-shooting students talk with, befriend, and interact with youth who are actively involved in hunting and shooting, the positive aspects of these activities will increasingly be thought of as acceptable, appealing, and inviting recreational activities.”⁸⁴

The report also urged the use of social media, noting:

“[T]alk and communication about hunting and shooting should be encouraged and promoted in as many ways as possible, especially through social media. One individual from the [youth] focus groups mentioned photos a hunting classmate had posted on Facebook — as with this individual, such photos tend to encourage questions, invite curiosity, increase interest, and place hunting and shooting activities in the foreground of the social atmosphere. Youth, in particular, are uniquely positioned to take advantage of the most prominent and effective means of social media and other communication tools — hunting and shooting sponsoring agencies and organizations should encourage this tendency wherever possible. In promoting the use of images, remember that pictures are often worth a thousand words: images promoting hunting and shooting should reinforce a positive atmosphere that emphasizes the environment, nature, the outdoors, nice weather, exercise, natural resources, wildlife, a social atmosphere among friends and peer groups, etc.”⁸⁵

The report also urged that “youth ambassadors and others should focus on getting newcomers to take a first step into target shooting through any means, whether a BB or pellet gun, paintball gun, or archery bow. The point should be to get newcomers started shooting *something*, with the natural next step being a move toward actual firearms. Initial interest, however, should be embraced in whatever form it presents itself.”⁸⁶

THE INDUSTRY FINDS ITS “REALITY” VIDEO GAME” IN 3-GUN COMPETITION

In the competition for the recreation time of youth, video games are seen by the gun industry as both a threat to, and an opportunity for, marketing firearms to youth.

Bud Pidgeon, president of the U.S. Sportsmen’s Alliance warns, “By the time kids are in fifth grade, or even before, they’re already being pulled away by the allure of video games, organized sports or other activities.”⁸⁷ And an article detailing NSSF’s 2015 Shooting Sports Summit warned, “What those young people appear to be most interested in, at least superficially, is playing computer games, tapping on tiny keyboards and communicating with their friends through social media like Facebook, Twitter, Instagram and other websites.”⁸⁸



Photo from the website of the Tri County Gun Club in Polo, Illinois, illustrating firearms and accessories needed for 3-Gun competition

Yet while video games are seen as a competitor for the leisure time of children, the argument is frequently made, both inside and outside the industry, that first-person shooter games, and their use of easily identified real-world weapons, offer marketing opportunities.

According to Ralph Vaughn, who negotiates licensing deals with video game manufacturers on behalf of Barrett Firearms, manufacturer of 50 caliber anti-armor sniper rifles as well as assault rifles, “It is hard to quantify to what extent rifle sales have increased as a result of being in games...But video games expose our brand to a young audience who are considered possible future owners.”⁸⁹

In a column on the website *Gun Nuts Media*, author Caleb Giddings discusses the guns used in the latest edition of the video game series *Battlefield*. After discussing the video, he concludes:

“There is a real point to all this digital nonsense though, and something that I saved for last. This game and games like it are absolutely how the next generation of gun owners are getting introduced to firearms. The incredible amounts of realism present in the depiction of firearms in game is a good thing. I guarantee that people will come into gun ranges and say ‘I shot something just like that in *Battlefield*!’ The immediate response of any employee of any range in the nation should be ‘that’s awesome! Want to try the real deal?’”⁹⁰

Among the concurring statements in the comments section of the article⁹¹ were:

- “I agree 100% that games like this can increase the number of ‘gun people.’ In the range I work in, it’s very common to have younger people ask to see then rental guns, and can name many of them off (Beretta 92, AR, Glock, 1911, etc.) based on game experience. Then they get to try one for real and most of them are hooked! I don’t know if it’s what the game designers intended, but it works.”

- “Though gaming may be more realistic when it comes to firearms and operating, like you said, many people are being introduced to firearms through mediums like this. It is always great that video game devs would put a lot of attention to detail when it comes to subjects like this and seeing them play out IRL [In Real Life]...”
- “The last generation of games have a big influence on the purchasing decisions of prospective gun owners of a certain age. I dare say that half of the PS90s sold are probably because of *Counter-Strike*, and I think it’s responsible for some of the demand for Beretta Elites, as well.”

As accessory manufacturer Firefield sums it up: “A majority of Firefield users grew up watching action-packed movies, TV shows and playing interactive video games that encompass tactical gear and military-style weapons platforms. Our optics and shooting accessories allow shooters to turn what they’ve seen on the screen into a reality.”⁹²

In 2007, Chris Dolnack, National Shooting Sports Foundation senior vice president, used the term “a ‘reality’ video game” to describe the organization’s Scholastic Rifle Program (SRP) begun in 2003, telling *Junior Shooters* magazine, “We developed an action-packed reactive target format — a ‘reality’ video game — that is sure to be a hit with today’s young shooter.”⁹³ While the Scholastic Rifle Program apparently failed to fill that niche, another industry-promoted shooting event has: 3-Gun competition.



Video from *The Truth About Guns* shows a 3-Gun participant ready to start the competition

Writing at the website *The Truth About Guns*, Nick Leghorn promises, “3-gun is as close to a real-life first person shooter video game as you’ll get without joining the military.”⁹⁴ As described by Leghorn:

“3-gun gets its name from the fact that you use three different types of firearms over the course of the competition: a shotgun, a rifle, and a pistol. You score points by hitting designated targets, which include clay pigeons, cardboard silhouettes, steel targets of varying sizes, and anything else the Range Officer designates as a target....Competitors lose points for hitting ‘no shoot’ targets (hostages, friendlies, etc) or skipping targets/obstacles. Their score is augmented by the time it takes to complete the course of fire. The person with the combination of fastest time and best accuracy wins.”⁹⁵

In a video accompanying the article showing a shooter preparing for a 3-Gun match, a participant is asked, “How are you going to game this stage knowing nothing about it?” He replies, “I think it’s kinda like [the video game] *Doom*, run through, keep upgrading weapons as you kill bad guys, right?”⁹⁶

Such competitions frequently revolve around fantasy scenarios in which firepower is essential for the hero-shooter to emerge victorious. In its description of its 3-Gun Tactical Match, one gun club explains:

“This type of match has the shooter shooting centerfire rifle, centerfire pistol, and shotgun (.410 or larger) at paper ‘bad guy,’ steel plates, and similar targets. In any given scenario, the shooter moves through

an imaginary situation in which his life is placed in danger by the 'bad guys.' The scenario will vary from month to month, and will have a theme that practices real-life shooting and defensive skills. Examples of scenarios: exodus from a shopping mall overrun with terrorists, self defense at an ATM machine, Hollywood bank robbery, L.A. riots, home intruder, etc."⁹⁷

In the video cited above, the "scenario" is spelled out for the 3-Gun participant as he's led hooded, his wrists tied together, into a faux prison cell and seated (see photo on previous page):

"Okay all you troopers are such badasses you decided you were going to go hunt pirates in Somalia... Something went wrong and you are now the prisoner of a Somali warlord who wants to do very bad things to you because you're an American...No one's coming to rescue you so you have to rescue yourself... During your last interrogation you noticed that the chair was rough on the sides. That might assist you in breaking your bonds should you be given the opportunity...At that point you should find yourself a gun. Cause we're Americans and we all like guns. Find one and start killing all the bad guys who are trying to do very bad things to you and your fellow Americans."⁹⁸

In the pages of *Junior Shooters*, 3-Gun competitions are a mainstay, with child participants not only promoting the activity in its pages, but also lauding the gun companies that donate guns, ammunition, and other products: both for use in the activity and as prizes for the winners. As one article written by a 12- and 16-year-old states:

"Everything about 3-Gun is exactly the opposite of precision rifle. Precision to me is boring. All you do is stand there and shoot. With 3-Gun you get to 'get into it.' You get to run around (as long as you're safe), shoot 'big boy guns,' and go through obstacles shooting at the targets. Can it get any better? I think not. I felt like an FBI or a SWAT agent going in for a big bust. It was an awesome feeling."⁹⁹

Writing in *Junior Shooters*, Corey Shaw, age 17, exulted:

"This summer I had the opportunity to shoot Fabrique Nationale Herstal (FNH) USA's SCAR. SCAR is an acronym for Special Combat Assault Rifle. And, oh, boy, is it SPECIAL!"

"Due to the fact that the SCAR is so light, you can fling it around from target to target; sometimes it feels more like you're shooting a .22 rather than a full-on combat rifle."^{100 101}

In a *Junior Shooters* article titled, "Why I Love 3-Gun!," 12-year-old Jake Denno writes:

"Besides the three guns that have to be practiced with and brought to the match, many of the 3-Gun events will have special or stage weapons, as well...I have already been fortunate enough to be able to shoot a fully automatic UZI, an M-249 SAW and an M-203 grenade launcher. Some of the other special weapons in 3-Gun matches include MG-42 and M-60 machine guns, suppressed ARs and SCARs, but the one I really want to shoot is the Dillon Mini-Gun at the Larue Tactical match. Some events will also have manufacturers there who will have their pistols and shotguns as stage weapons. The only thing I do not like about stage and special weapons is that the score depends on how one shoots with an unfamiliar weapon. The triggers and sights are usually really different from what I shoot, and the guns don't always run well. At the Ironman [competition], the UZI just would not function properly, and it really threw me off my plan for that stage."¹⁰²

Four New Shooters Challenge the Ironman

JUNIOR SHOOTERS

Volume 12 / Summer 2012

MAKING A MARK



Scholastic Clay Target Program

Ruger's New .22 Revolvers

Building a Modern Sporting Rifle

Crosman MAR177 PCP

Youngest Fastest Gun Alive

Display until 11/29/12
#110023 Summer 2012
\$6.99



0 71486 02122 3

JUNIORSHOOTERS.NET

Summer 2012 Junior Shooters features 3-Gun competitors

Like the gun industry and gun lobby's ongoing campaign to attempt to rebrand assault rifles as "Modern Sporting Rifles," by labeling 3-Gun competitions a "sport," their hope is to not only engage young shooters, but also that the activity offers the necessary cover to maintain the sale and possession of weapons that were originally designed for military or law enforcement use, including assault weapons that should be banned for import under the "sporting purposes" test of the Gun Control Act of 1968.¹⁰³ As Michael Tenny, CEO of Cheaper Than Dirt!, an online vendor of guns, ammunition, and accessories that describes itself as "America's Ultimate Shooting Sports Discounter," told *Junior Shooters*, "We're always happy to be able to support the shooting sports in any way possible, and we're even more excited to help encourage new shooters by sponsoring the 3 Gun Nation Junior division...Faced with political pressure to ban the importation of the competition shotguns that have made 3-Gun into the sport it is today, I think it's critical that we as an industry pull together to support all of the shooting sports in any way we can."¹⁰⁴

THE REALITY OF CHILDREN AND GUNS

Much like the tobacco industry before it, the firearms industry — gun and accessory manufacturers, trade associations (both self-proclaimed, such as the NSSF, and *de facto*, such as the National Rifle Association) and related publications — consistently denies the risk associated with its products, especially in the marketing of guns to children. As noted earlier, their arguments, such as NSSF's assertion that hunting is safer than bowling, can at times be so divorced from reality that they cross the line from the absurd to the surreal.

Despite the rosy picture painted by the firearms industry, the combination of children and firearms poses risks that are widely recognized. These include death and injury, not just from unintentional shootings, virtually the sole category of firearm death acknowledged by the gun industry, but suicide and homicide. In addition, the exposure to lead that young shooters experience — either when firing a weapon or making their own ammunition, a practice commonly known as "hand loading" — can harm many different body organs and systems, including the brain, and exposure can lead to reduced intelligence as well as behavioral problems.

YOUTH GUN DEATHS

In 2014, more than 1,300 children under the age of 18 died from firearms: 699 homicides, 532 suicides, 74 unintentional shootings,¹⁰⁵ and 19 from undetermined intent. From 1999 to 2014, nearly 23,000 children under the age of 18 died from guns: 13,756 homicides, 6,903 suicides, 1,723 unintentional shootings, and 395 from undetermined intent.¹⁰⁶

For the age group one to 17 in 2014, unintentional injury was the leading cause of death, the most common cause of unintentional death being motor vehicle-related deaths (49 percent) and drownings (18 percent). Firearms accounted for two percent of all fatal unintentional injuries. Malignant neoplasms (primarily cancers) were second. Suicide was the third leading cause of death. Guns accounted for 40 percent of these deaths, making firearms the second most popular method of suicide for this age group, behind suffocation. Homicide was the fourth leading cause of death for this age group, with firearms being used in 59 percent of all homicides.¹⁰⁷

TABLE THREE: FIREARM DEATHS IN THE UNITED STATES, LESS THAN 18 YEARS OF AGE, 1999 - 2014¹⁰⁸

Year	Homicide	Suicide	Unintentional	Undetermined Intent	Total
1999	1,001	558	158	50	1,767
2000	819	537	150	23	1,529
2001	835	451	125	16	1,427
2002	872	423	115	26	1,436
2003	805	377	102	25	1,309
2004	868	384	105	22	1,379
2005	921	412	127	25	1,485
2006	1,082	371	102	24	1,579
2007	1,038	325	112	36	1,511
2008	984	361	98	26	1,469
2009	887	401	83	16	1,387
2010	835	375	98	26	1,334
2011	730	448	102	23	1,303
2012	740	457	78	15	1,290
2013	640	491	94	23	1,248
2014	699	532	74	19	1,324
Total	13,756	6,903	1,723	395	22,777

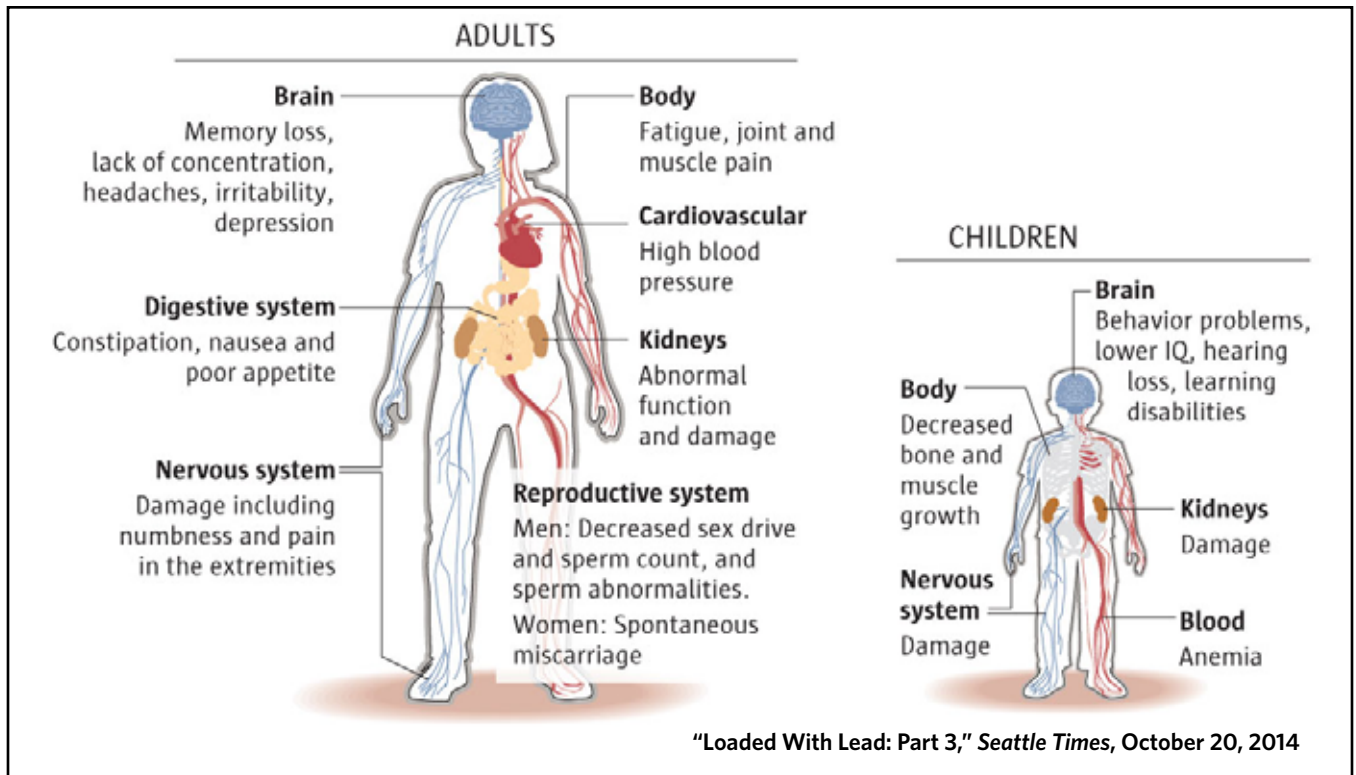
A common myth is that children and teens living in rural areas do not suffer the effects of gun violence experienced by their contemporaries who live in urban environments, despite being exposed to guns at a young age. The fact is that guns kill rural youth at a rate equal to urban youth but in different circumstances. While more urban youth die from gun homicide, the difference is made up in rural areas through firearm suicide and unintentional deaths. A 2010 study in the *American Journal of Pediatrics* examined all pediatric firearm deaths up to age 19 from 1999 through 2006. The deaths were analyzed by rural-urban settings based on population size and proximity to metropolitan areas. The study concluded:

“Children in the most-rural US counties had firearm mortality rates that were statistically indistinguishable from those for children in the most-urban counties. This finding reflects a greater homicide rate in urban counties counterbalanced by greater suicide and unintentional firearm death rates in rural counties.”¹⁰⁹

Parents also have significant ability to prevent youth suicide recognizing that adolescents who commit suicide most often use the family gun.¹¹⁰ By removing guns from homes where children and teens live, especially depressed adolescents, parents will reduce likelihood of suicide and unintentional death for everyone in the household, but especially for teens.

While 85 percent of suicide attempts with guns are fatal, other means are less lethal: only one percent of cutting or piercing attempts are fatal, while only two percent of poisoning/overdose attempts result in death.¹¹¹ Moreover,

studies show that many teen suicide attempts are impulsive. Of teens who survived a suicide attempt, one quarter said they thought of suicide just five minutes before making the attempt. There is also little truth to the widely held belief that those who attempt to kill themselves are determined to succeed. In fact, 90 percent of near-lethal suicide attempts do not attempt to kill themselves again.¹¹²



LEAD: THE SILENT HEALTH THREAT FROM FIREARMS

While the health and safety threats of gun violence can be measured in death and injury, there is another reason guns pose a grave threat to human health and particularly children’s health: the toxic lead found in ammunition.

Lead is a highly toxic metal that is especially harmful to the developing brains of young children. It can harm many different body organs and systems, and exposure can lead to reduced intelligence and many behavioral problems. The federal Centers for Disease Control and Prevention (CDC) maintains there is *no* safe level of lead in the blood for children, and states, “Even low levels of lead in blood have been show to affect IQ, ability to pay attention, and academic achievement.”^{113 114}

In recent decades, public health-based regulations have dramatically reduced the presence of lead in what were once common sources of exposure for children, such as lead-based paint and lead in gasoline. The major health threat that remains is lead from bullets. The Environmental Protection Agency (EPA) regulates lead in paint and gasoline but is prohibited from regulating the lead contained in cartridges and shells. The EPA has rejected a petition filed by 101 environmental organizations to regulate lead from spent bullets and shot citing a section of the Toxic Substances and Control Act (TSCA) that exempts cartridges and shells from the agency’s reach. Both the NRA and the NSSF intervened in court to object to EPA regulation of lead in ammunition.¹¹⁵ A 2013 consensus statement from scientists from across the nation warned: “Lead-based ammunition is likely the greatest, largely unregulated source of lead knowingly discharged into the environment in the United States.”¹¹⁶

For both children and adults, the primary risk of exposure comes from shooting ranges, most notably indoor ranges. At the firing range, children can be exposed to lead through particles suspended in the air or even by eating contaminated food. Even when children do not go to the firing range themselves, they can be contaminated by clothing or accessories from adults returning from the range.¹¹⁷ The CDC recommends that individuals “shower and change clothes after finishing a task that involves working with lead-based products, such as stained glass, making bullets, or using a firing range.”¹¹⁸

Yet despite the well-documented public health risk, shooting ranges remain a largely unregulated industry. A recent investigation in the *Seattle Times* revealed that shooting range owners routinely violate workplace safety laws, resulting in their employees as well as their children and adult customers being exposed to lead. The newspaper found that only 201 of the estimated 6,000 commercial gun ranges in the United States have been inspected within the past decade, but 86 percent of those which had been inspected violated at least one lead-related standard. Thousands more gun ranges are volunteer-led or members-only clubs with no employees, and these do not have to follow federal regulations at all.¹¹⁹ Not surprisingly, while the NRA and its self-described gun industry “corporate partners” will at times pay lip service to the safety hazards posed by lead, their overriding focus remains actively encouraging children to visit shooting ranges. As a medical officer for the National Institute for Occupational Safety and Health told the *Seattle Times*, “Some firing ranges cater to children, they have birthday parties and special events.” An NRA official, Susan Recce, told the newspaper, “The issue of lead problems for indoor ranges is extremely rare.”¹²⁰

The facts state otherwise. At a Vancouver, Washington shooting range, tests in 2010 found 20 youth and young adults on the Rifle and Pistol Club team had been overexposed to lead. “We weren’t very cautious,” one of the participants was quoted as saying. “We would get lead on our hands and eat finger food.” Tests showed that the floor of the range had a lead level 993 times that allowed by a federal housing guideline.¹²¹

There is no cure or treatment for the effects of lead exposure, and the effects are chronic and irreversible. The only option is prevention. And yet, the response from all too many parents is to ignore the threat. In response to an online discussion thread titled “is 3 yrs old too young to help dad clean ar [AR-15 assault rifle]?,” one commenter responded:

“The whole lead, chemical paranoia is out of control IMO [in my opinion]. I grew up with lead paint, played with lead toy soldiers, dunked my hands in kerosene while cleaning car parts and used real MEK to degrease stuff. According to my doc I’m in good health aside from high cholesterol. Use common sense. Don’t let your kid drink Hoppe’s or Frog Lube. Don’t let him stick his hands in his mouth...He’s more likely to drown or get hurt at the playground than die for touching the bolt of a rifle once a week.”¹²²



This photo from the cover of a 1997 Browning firearms catalog ignores the threat lead poses to children

CONCLUSION AND RECOMMENDATIONS

The efforts of the gun industry and gun lobby to put firearms in the hands of young children and teens are the exact opposite of what health experts advise. The American Academy of Pediatrics is emphatic in urging parents not to keep guns in homes with children. Their [healthychildren.org](https://www.healthychildren.org) website advises parents, “The best way to keep your children safe from injury or death from guns is to NEVER have a gun in the home.” Specifically, the pediatricians’ organization warns parents as follows:¹²³

- Do not purchase a gun, especially a handgun.
- Remove all guns present in the home.
- Remember that young children simply do not understand how dangerous guns can be, despite parents’ warnings.
- Find out if there are guns in the homes where your children play. If so, talk to the adults in the house about the dangers of guns to their families.

“For those who know of the dangers of guns but still keep a gun in the home,” the site advises:

- Always keep the gun unloaded and locked up.
- Lock and store the bullets in a separate place.
- Make sure to hide the keys to the locked boxes.

As noted, one study found that adolescents who commit suicide most often use the family gun.¹²⁴ By removing guns from homes where children and teens live, especially depressed adolescents, parents will reduce likelihood of suicide and unintentional death for everyone in the household, but especially for teens.

A common argument is that giving children guns teaches them personal responsibility and other life skills. Typical is the language found on the website of National 4-H Shooting Sports, which promises “Skills for Life — Activity for a Lifetime.” Sponsors of the program include: the National Shooting Sports Foundation; online accessories and ammo vendor MidwayUSA (headed by top NRA donor Larry Potterfield); the ammunition manufacturer Hornady (headed by NRA board member Steve Hornady); and, Hodgdon Powder (headed by one-time NRA board member Bob Hodgdon). In the “Just for Youth” section under the heading “Kids ‘n’ Guns,” the site states:

“4-H uses shooting sports to teach youth development. Our programs are valuable for helping young people develop self-confidence, personal discipline, responsibility, teamwork, self esteem and sportsmanship. The discipline and self-control required for responsible firearms use carries over into many other aspects of life.”¹²⁵

In the same section, the question is asked, “Isn’t easy access to firearms one reason for the violent behavior we’ve seen in Columbine and other school shootings?” The response is as predictable as it is disingenuous: “No, access is not the issue. The safest location for a responsible gun owner to store a firearm is the secure environment of his or her home...Firearms should however, be stored so that they are inaccessible to unauthorized users.”

Left unstated is the fact that with the creation of the youth gun culture envisioned by the firearms industry and the gun lobby, the children themselves in the home are all too often the *authorized* users.

At the same time, the “skills” learned by youth at the foot of today’s gun industry — with its embrace of heightened lethality and increased militarization, combined with the immaturity and limited judgment that define childhood — can be put into action with horrific results.

In addition to urging that homes with children be gun-free, the Violence Policy Center recommends the following:

- Firearms are an adult product just like tobacco and alcohol and should be treated as such to protect the health and safety of children. Just as our society does not condone the use of alcohol or tobacco by minors even with adult supervision, we should prohibit the acquisition, possession, and use of firearms by children. Current federal law prohibits the transfer of handguns by Federal Firearms License (FFL) holders to anyone under the age of 21. Federal law also prohibits handgun possession by those under the age of 18 with a number of exceptions. Federally licensed dealers are also prohibited from selling long guns (shotguns and rifles) to those under the age of 18. These laws should be revised so that possession standards strictly match sales standards: 18 years old for long guns and 21 years old for handguns.
- The Federal Trade Commission should investigate whether the firearms industry is inappropriately marketing firearms to children and also whether manufacturers are engaged in product placement of firearms in video games marketed to minors to determine whether such efforts violate applicable advertising standards.
- Websites for gun manufacturers and vendors of related products (such as ammunition and ammunition magazines) should have the same age restrictions and criteria for access as those for tobacco and alcohol vendors.
- Congress should repeal the section of the Toxic Substances Control Act prohibiting the Environmental Protection Agency from regulating lead in ammunition.
- States should review their laws regarding firearm possession by children with the goal of having the age for legal possession at least match that for legal purchase from a Federal Firearms License holder.
- An effective public education campaign should be developed and implemented to warn parents and youth about the dangers associated with the presence and use of firearms.

To put the gun industry and gun lobby’s child-marketing efforts into perspective, imagine the public outcry if the alcohol industry announced a program targeting grade school children, promoting a line of “youth cocktails.” Or if the tobacco industry urged parents to introduce their second and third grade-age children to the satisfaction and sophistication of smoking with “junior cigarettes.” Or if it was revealed that these industries had a “strategic plan” targeting children to not only “start them young,” but to create a cadre of “youth ambassadors,” whose goal would be to convince their playmates via personal contact and social media to join them in these adult activities. Yet, the firearms industry and gun lobby are today aggressively pursuing just such a campaign targeting America’s youth.

And while the firearms industry and gun lobby consistently work to present this marketing effort in terms of tradition and family, the real impetus lies in profit and political power. Most tragically, the effects of this campaign are all too often measured in unnecessary death and crippling injury.

ENDNOTES

1. "Father of Marysville school shooter convicted of gun charges," *Seattle Times*, September 29, 2015 (<http://www.seattletimes.com/seattle-news/crime/father-of-marysville-school-shooter-convicted-of-gun-charges/>); "‘Bang, Bang I’m Dead’: Marysville Shooter Jaylen Fryberg’s Ominous Texts – NBC News," *nbcnews.com*, November 20, 2014 (<http://www.nbcnews.com/storyline/marysville-school-shooting/bang-bang-im-dead-marysville-shooter-jaylen-frybergs-ominous-texts-n252496>); "Death Toll Rises to 5 in School Shooting," *Associated Press*, November 8, 2014 (<http://www.nytimes.com/2014/11/09/us/death-toll-rises-to-5-in-school-shooting.html>); "Second Washington school shooting victim dies after homecoming prince took aim at his friends, family," *Washington Post*, October 27, 2014 (<http://www.washingtonpost.com/news/morning-mix/wp/2014/10/27/second-seattle-area-school-shooting-victim-dies-after-homecoming-prince-took-aim-at-his-friends-family/>); "Marysville school shooting: What more could the community have done?," *Christian Science Monitor*, October 26, 2014 (<http://www.csmonitor.com/USA/2014/1026/Marysville-school-shooting-What-more-could-the-community-have-done-video>); "Tangled Portrait of a Student Emerges in Washington Shooting," *New York Times*, October 25, 2014 (http://www.nytimes.com/2014/10/26/us/contrasting-portraits-emerge-of-jaylen-ray-fryberg-shooter-at-washington-school.html?_r=0).
2. "Troutdale police release parts of interviews with father, brother of Reynolds High shooter," *OregonLive*, April 6, 2015 (http://www.oregonlive.com/portland/index.ssf/2015/04/troutdale_police_release_31_pa.html); "NRA mouthpiece Wayne LaPierre quiet as Oregon high school shooter revealed to conceal AR-15 rifle in guitar case," *Daily News*, June 12, 2014 (<http://www.nydailynews.com/news/national/school-shooter-portland-ore-ar-15-report-article-1.1825533>); "Reynolds High School shooter Jared Padgett died of self-inflicted wound," *koin.com*, June 11, 2014 (<http://koin.com/2014/06/11/reynolds-high-school-news-briefing-june-11-2014/>); "Reynolds High shooter Jared Padgett ‘showed off about guns,'" *koin.com*, June 11, 2014 (<http://koin.com/2014/06/11/reynolds-high-shooter-jared-padgett-showed-off-about-guns/>); "Oregon school shooting: Gunman Jared Michael Padgett known as serious student with interest in military," *The Oregonian*, June 11, 2014 (http://www.oregonlive.com/gresham/index.ssf/2014/06/oregon_school_shooting_gunman.html); "Jared Michael Padgett: Troutdale Shooting Suspect Argued With Classmates About Hitler," *Inquisitr*, June 11, 2014 (<http://www.inquisitr.com/1294499/jared-michael-padgett-troutdale-shooting-suspect-argued-with-classmates-about-hitler/>); "Jared Padgett Photos: Reynolds High School Gunman Jared Michael Padgett Facebook Pictures Out," *Epoch Times*, June 11, 2014 (<http://www.theepochtimes.com/n3/728899-jared-padgett-photos-reynolds-high-school-gunman-jared-michael-padgett-facebook-pictures/>).
3. "Waseca teen accused in school shooting plot had been planning for months," *Star Tribune*, December 17, 2014 (<http://www.startribune.com/local/257505631.html#qRWWhjsAGA7Oj9pMX.97>); "Recording released of Minnesota teen calmly telling police of plans to kill family and set off school massacre," *Daily Mail*, June 25, 2014 (<http://www.dailymail.co.uk/news/article-2668478/Recording-released-Minnesota-teen-calmly-telling-police-plans-kill-family-set-school-massacre.html>); "Teen details massacre plot, reveres Columbine killer," *USA Today*, June 25, 2014 (<http://www.usatoday.com/story/news/nation/2014/06/25/teen-plot-bomb/11349075/>); "Recording released of Minnesota teen calmly telling police of plans to kill family and set off school massacre," *Daily Mail*, June 25, 2014 (<http://www.dailymail.co.uk/news/article-2668478/Recording-released-Minnesota-teen-calmly-telling-police-plans-kill-family-set-school-massacre.html>); "UPDATED: Waseca teen pleads not guilty in mass shooting plot," *Waseca County News*, May 12, 2014 (http://www.southernminn.com/waseca_county_news/news/article_e3226229-92a4-5cec-8084-e1f88c297f11.html); "Police: Minnesota teen planned school massacre," *CNN*, May 2, 2014 (<http://www.cnn.com/2014/05/01/justice/minnesota-attack-thwarted/>).

4. See, for example, the 2013 Violence Policy Center study *Blood Money II: How Gun Industry Dollars Fund the NRA* (<http://www.vpc.org/studies/bloodmoney2.pdf>).
5. NSSF *SHOT Business*, September/October 1993.
6. *Shooting Sports Retailer*, September/October 1998.
7. "Shooting for a New Audience," *Shooting Sports Retailer*, May/June 2007.
8. General Social Survey (GSS) gun ownership data contained in this report is drawn from the NORC publication *General Social Survey Final Report: Trends in Gun Ownership in the United States, 1972-2014*, Tom W. Smith, Jaesok Son, NORC at the University of Chicago, March 2015. For a detailed history of gun ownership in the United States as reported by the GSS, see the May 2015 Violence Policy Center report *A Shrinking Minority: The Continuing Decline of Gun Ownership in America* (<http://www.vpc.org/studies/ownership.pdf>).
9. Respondents were asked, "Do you (or does your [husband/wife]) go hunting?"
10. *NSSF Report: Incidence Rate of Hunting With Modern Sporting Rifles*, National Shooting Sports Foundation, 2015.
11. See http://www.chipmunkrifles.com/chipmunk_aboutus.php.
12. See <http://www.crickett.com/>.
13. Ironically, while the company's Beanie Baby must meet at least four types of federal safety standards — sharp edges and points, small parts, hazardous materials, and flammability — there are no federal safety standards for the domestic manufacture of firearms. For more information, see <http://www.vpc.org/regulating-the-gun-industry/regulate-firearms-like-other-consumer-products/>.
14. "Watch an Ad for 'My First Rifle,' the Gun a 5-Year-Old Used to Shoot His 2-Year-Old Sister," *Slate*, May 3, 2013 (http://www.slate.com/blogs/crime/2013/05/03/crickett_keystone_sporting_arms_watch_an_ad_for_my_first_rifle_the_gun_a.html).
15. See <http://www.littlesportsman.com/>.
16. "Marlin's New Kid-Friendly Rifles," *NRA Family InSights*, January 2, 2014 (<http://www.nrafamilyinsights.org/articles/marlins-new-kid-friendly-rifles>).
17. "Children and Guns — An Iowa Fail," *Jews for the Preservation of Firearms Ownership*, April 21, 2014 (<http://jpfo.org/alerts2014/alert20140421.htm>).
18. "'We wish you peace': Children of weapons instructor killed in gun range accident make emotional video pledging forgiveness to nine-year-old girl who shot their father," *Daily Mail*, September 12, 2014 (<http://www.dailymail.co.uk/news/article-2754358/We-wish-peace-Children-weapons-instructor-killed-gun-range-accident-make-emotional-video-pledging-forgiveness-nine-year-old-girl-shot-father.html#ixzz3U1IYxDJD>).
19. "Choosing Your Child's First Gun," *American Hunter*, November 16, 2012.
20. "Choosing Your Child's First Gun," *American Hunter*, November 16, 2012.

21. As a 2010 article in the NRA's *American Rifleman* magazine noted: "The term 'tactical .22 rifle' is essentially an oxymoron. It's unlikely that a single military or police force on Earth uses .22 Long Rifle arms for small-scale combat operations, at least as primary guns. Nevertheless, this burgeoning class of firearms has taken hold in recent years in the civilian market. With origins dating back to the ever-modular Ruger 10/22, perhaps the most accessorized gun on the planet, up through today's AR-15 look-alikes, these guns have found a welcome place in the cabinets of varmint shooters, beginning marksmen, and of course those who like to shoot all day with inexpensive, readily available ammunition." "Tactical 22s: A New Class of Rifles," *American Rifleman*, November 19, 2010 (<http://www.americanrifleman.org/articles/2010/11/19/tactical-22s-a-new-class-of-rifles/>).
22. "Why AR-Styled Rifles Are so Popular," *Shooting Sports Retailer*, January 2014.
23. See <http://www.gandermountain.com/modperl/product/details.cgi?i=781756>, downloaded September 22, 2015.
24. Sig Sauer advertisement, *Junior Shooters*, Summer 2011.
25. "Rifles for Ruger Rimfire," *Junior Shooters*, March 2011 Special Edition.
26. See <https://www.billsgs.com/the-average-joe-archive/214-december-gotm-beretta-arx-160>.
27. "The Best Guns for Smaller Shooters," *Shooting Sports Retailer*, April 30, 2015 (<http://www.shootingsportsretailer.com/2015/04/30/best-guns-smaller-shooters/>).
28. "The Best Guns for Smaller Shooters," *Shooting Sports Retailer*, April 30, 2015 (<http://www.shootingsportsretailer.com/2015/04/30/best-guns-smaller-shooters/>).
29. "Henry Repeating Arms: Muddy Girl," *NRA Family*, February 21, 2014 (<http://www.nrafamily.org/articles/2014/2/21/henry-repeating-arms-muddy-girl/>).
30. "CZ 452 Scout Rifle," *Junior Shooters*, Summer 2011.
31. See http://www.smith-wesson.com/webapp/wcs/stores/servlet/Category4_750001_750051_757786_-_757784_757784_image.
32. In May 2015, Black Forge Weapons was acquired by Invincible Arms of Ohio, see <http://invinciblearms.com/news-and-announcements/invincible-arms-acquires-black-forge-weapons/>.
33. "The Best Guns for Smaller Shooters," *Shooting Sports Retailer*, April 30, 2015 (<http://www.shootingsportsretailer.com/2015/04/30/best-guns-smaller-shooters/>).
34. "Letter from the Editor," *America's 1st Freedom*, December 2004.
35. "A Word from Your Editor," *Junior Shooters*, Spring 2012.
36. "A Word from Your Editor," *Junior Shooters*, Spring 2012.
37. "A Word from Your Editor," *Junior Shooters*, Winter 2012.
38. *Junior Shooters*, March 2011 Special Edition.

39. "Is the Shooting Industry Getting it All Wrong?," *Shooting Sports Retailer*, July 31, 2015 (<http://www.shootingsportsretailer.com/2015/07/31/shooting-industry-getting-wrong/>).
40. See <http://www.juniorshooters.net/aboutus/>.
41. See <http://www.juniorshooters.net>, downloaded November 13, 2015.
42. See <http://www.juniorshooters.net/aboutus/>.
43. "A Word from Your Editor," *Junior Shooters*, Spring 2012.
44. Founded in 1996, "The International Defensive Pistol Association (IDPA) is the governing body of a shooting sport that simulates self-defense scenarios and real life encounters...One of the unique facets of this sport is that it is geared toward the new or average shooter, yet is fun, challenging and rewarding for the experienced shooter. The founders developed the sport so that practical gear and practical guns may be used competitively." On its website, IDPA poses the question, "WHY ANOTHER SHOOTING SPORT?," and answers: "Prior to the formation of IDPA, there was no place to compete and hone one's skill with equipment designed for & suitable for self-defense (<http://www.idpa.com>).
45. "A Word from Your Editor," *Junior Shooters*, Spring 2012.
46. "Why I Love Bushmaster AR-15s...You Should, Too," *Junior Shooters*, Summer 2012.
47. "45 Firearms Developed Specifically for Smaller-Statured or Younger Shooters," Mossberg press release, June 30, 2014 (<http://www.juniorshooters.net/2014/07/06/mossbergs-youth-firearms-and-safety/>).
48. "Adams Arms 14.5-inch Evo Ultralite Piston MSR Upper," *Junior Shooters*, Summer 2013.
49. "Adams Arms 14.5-inch Evo Ultralite Piston MSR Upper," *Junior Shooters*, Summer 2013.
50. "The Mosquito: A Cool .22 With A Sting," *Junior Shooters*, Summer 2009.
51. "Sig Sauer's Mosquito," *Junior Shooters*, Summer 2013.
52. "Sig Sauer's Mosquito," *Junior Shooters*, Summer 2013.
53. "Sig Sauer's Mosquito," *Junior Shooters*, Summer 2013.
54. "Sig Sauer's Mosquito," *Junior Shooters*, Summer 2013.
55. "Glocks are for Girls," *Junior Shooters*, Summer 2009.
56. "Kids Gear!," *Junior Shooters*, Summer 2010.
57. *Junior Shooters*, Winter 2011.
58. *Junior Shooters*, March 2011.
59. *Junior Shooters*, Winter 2011.
60. *Junior Shooters*, Spring 2013.

61. *Junior Shooters*, Spring 2013.
62. *Junior Shooters*, Winter 2011.
63. *Junior Shooters*, Spring 2012.
64. *Junior Shooters*, Spring 2013.
65. "NRA's Magazine for Juniors Goes Digital," *AccurateShooter.com*, September 28th, 2011 (<http://bulletin accurateshooter.com/2011/09/nras-magazine-for-juniors-goes-digital/>).
66. See <https://membership.nrahq.org/forms/signup.asp>.
67. As of September 23, 2015.
68. "Ronnie Barrett: High-Caliber Innovator," December 19, 2013 (<http://www.nrafamily.org/articles/2013/12/19/ronnie-barrett-high-caliber-innovator/>).
69. See <https://web.archive.org/web/20150221040356/http://www.nrafamilyinsights.org/Kids> under "Kids."
70. "Test Fire: Thompson/Center HotShot," *NRA Family*, January 2, 2014 (<http://www.nrafamily.org/articles/2014/1/2/test-fire-thompsoncenter-hotshot/>).
71. Downloaded from <http://www.nrafamilyinsights.org/Kids-Under-8-Awesome-Apps> on November 13, 2014 and from <https://web.archive.org/web/20141129150952/http://www.nrafamilyinsights.org/articles/nra-gun-guide-app> on September 23, 2015.
72. "My First .22 Pistol," *NRA Family*, August 8, 2014 (<http://www.nrafamily.org/articles/2014/8/8/my-first-22-pistol/>).
73. On July 20, 2015, the online publication and website *NRA Family InSights* became the *NRA Family* website, "designed to cater to the unique needs of American families that own guns, with realistic how-to advice on topics such as safe firearm storage, introducing new shooters and hunters to the sports, outdoor family destinations and entertainment, personal protection tips, historical firearms and figures, gun and gear reviews, news for NRA families, Olympic shooting sports and more." According to Executive Director of NRA publications Doug Hamlin, "*NRA Family* was created to serve the millions of NRA families in America. Rather than addressing a specific sport or interest, we're adopting a holistic approach that includes the needs of mothers, fathers, kids and grandparents who are both eager to learn, and to pass their knowledge on to the next generation." "*NRA Family's Brand-New Website*," July 20, 2015 (<http://www.nrafamily.org/articles/2015/7/20/nra-familys-brand-new-website/>).
74. "Hunting is Safer Than Golf and Most Other Activities (Not to Mention Football, Basketball and Soccer)," National Shooting Sports Foundation press release, December 5, 2011 (<http://www.nssf.org/newsroom/releases/2011/120511.cfm?print=X>).
75. *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting: Executive Summary*, Hunting Heritage Trust and National Shooting Sports Foundation, 2012.
76. "A Parent's Guide to Recreational Shooting for Youngsters," National Shooting Sports Foundation, 2014. Also included in the document is a pledge for children to sign which includes the promise that "I will not go snooping or allow my friends to go snooping for guns in the house."

77. *Understanding Activities that Compete with Hunting and Target Shooting, 2011 Comprehensive Consumer Study, Executive Summary*, National Shooting Sports Foundation, 2012.
78. *Understanding Activities that Compete with Hunting and Target Shooting, 2011 Comprehensive Consumer Study, Executive Summary*, National Shooting Sports Foundation, 2012.
79. *Understanding Activities that Compete with Hunting and Target Shooting, 2011 Comprehensive Consumer Study, Executive Summary*, National Shooting Sports Foundation, 2012.
80. Labeled "An Initiative for the Future of Hunting," *Families Afield* (<http://www.familiesafield.org/>), founded by NSSF, National Wild Turkey Federation, and the U.S. Sportsmen's Alliance, "is an education and outreach program to help states create hunting opportunities for youths, so that more families may enjoy America's greatest outdoor tradition together." The National Rifle Association and the Congressional Sportsmen's Foundation are also "coalition partners" in the program. According to NSSF, "Since its inception, 35 states have passed new laws aimed at removing barriers and making it easier for new people to get into the field and try hunting" (<http://www.nssf.org/hunting/youth/>). The bulk of the program's efforts have focused on reducing minimum age requirements for hunting by children and eliminating the need for more rigorous licensing and training for novice hunters. On the program's website under "Get Involved," NSSF warns "Hunter Numbers are Declining," stating, "For every 100 adult hunters today, only 69 youth hunters are coming up to take their place," while under the heading "Focus on Youth," the organization stresses that "Youngsters are Key."
81. *Understanding Activities that Compete with Hunting and Target Shooting, 2011 Comprehensive Consumer Study, Executive Summary*, National Shooting Sports Foundation, 2012.
82. *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting, Executive Summary*, Hunting Heritage Trust and National Shooting Sports Foundation, 2012.
83. *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting, Executive Summary*, Hunting Heritage Trust and National Shooting Sports Foundation, 2012.
84. *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting, Executive Summary*, Hunting Heritage Trust and National Shooting Sports Foundation, 2012.
85. *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting, Executive Summary*, Hunting Heritage Trust and National Shooting Sports Foundation, 2012.
86. *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting, Executive Summary*, Hunting Heritage Trust and National Shooting Sports Foundation, 2012.
87. "The Gun Industry's Deadly Addiction," *Rolling Stone*, February 28, 2013 (<http://www.rollingstone.com/politics/news/the-gun-industrys-deadly-addiction-20130228#ixzz3bShTEHM4>).
88. "Is the Shooting Industry Getting it All Wrong," *Shooting Sports Retailer*, July 31, 2015 (<http://www.shootingsportsretailer.com/2015/07/31/shooting-industry-getting-wrong/>).
89. "Shooters: How Video Games Fund Arms Manufacturers," *Eurogamer.net*, January 31, 2013

(<http://www.eurogamer.net/articles/2013-02-01-shooters-how-video-games-fund-arms-manufacturers>).

90. "The gun gamer's dilemma," *Gun Nuts Media*, March 25, 2015
(<http://www.gunnuts.net/2015/03/25/the-gun-gamers-dilemma/>).
91. All typos or grammatical errors in original text.
92. Perhaps recognizing the risks that come with turning what shooters have "seen on the screen into a reality," under the heading "Our Products Are Not For the Unjust" on its website the company offers this disclaimer: "Let us make this plain — if you are a morally-deprived, violent individual who is interested in purchasing our products to do harm, please do not buy from us. Firefield products cater to independent, free-thinkers who strive to live a life of honor, purpose and meaning. Firefield works hard to embrace that spirit. Each product is built on a foundation of promoting self-reliance, love for our country and the importance of protecting our family. We understand that life is constantly moving, and our customers need the necessary tools to realize their full potential and complete each task with principle and integrity. By joining the Firefield Legion, you are part of an elite group that is responsible, ethical and edgy, and loves to keep it real in any situation" (<http://www.fire-field.com/about.html>).
93. "Always Shooting for More: National Shooting Sports Foundation builds ranks of young shooters, hunters," *Junior Shooters*, Volume 1, 2007.
94. "Competition Shooting 101: 3-Gun," *The Truth About Guns*, April 8, 2011
(<http://www.thetruthaboutguns.com/2011/04/foghorn/competition-shooting-101-3-gun/>).
95. "Competition Shooting 101: 3-Gun," *The Truth About Guns*, April 8, 2011,
(<http://www.thetruthaboutguns.com/2011/04/foghorn/competition-shooting-101-3-gun/>).
96. "Competition Shooting 101: 3-Gun," *The Truth About Guns*, April 8, 2011
(<http://www.thetruthaboutguns.com/2011/04/foghorn/competition-shooting-101-3-gun/>).
97. "3-Gun Tactical Match," Cleburne County Shooting Club, Heber Springs, AR, downloaded September 24, 2015
(<http://www.ccscar.com/3gun.htm>).
98. "Competition Shooting 101: 3-Gun," *The Truth About Guns*, April 8, 2011
(<http://www.thetruthaboutguns.com/2011/04/foghorn/competition-shooting-101-3-gun>).
99. "So, You Think You Want to Try 3-Gun," *Junior Shooters*, Spring 2012.
100. "FNH Has All 4 Guns for 3-Gun!," *Junior Shooters*, Summer 2011.
101. According to FN's website, "Early 2004, United States Special Operations Command (USSOCOM) issued a solicitation for a family of Special Forces Combat Assault Rifles, the so-called SCAR, designed around two different calibers but featuring high commonality of parts and identical ergonomics. FN Herstal took part in the full and open competition and released prototypes of a brand new family of weapons within timeframe taking advantage of our long-standing firearms know-how" (http://www.fnherstal.com/primary-menu/products-capabilities/rifles/general/product/182/232/182/1/_/fn-scarR-l-std.html).
102. "Why I Love 3-Gun!," *Junior Shooters*, March 2011 Special Edition.

103. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can fully exercise its existing statutory authority to exclude from importation all semiautomatic assault rifles as “non-sporting” weapons pursuant to 18 USC §925(d)(3) (a provision of the 1968 Gun Control Act) and also exclude the importation of assault weapon kits and parts sets. This policy was first implemented in 1989 by the George H.W. Bush administration in response to drug wars and mass shootings in the U.S. The Clinton administration strengthened the import rules in 1998 in response to efforts by the gun industry to evade the ban, but the policy was essentially abandoned by the George W. Bush administration with limited activity since.
104. “Junior Prizes in Place for 3 Gun Nation Tour,” *Junior Shooters*, Special Edition, 2011.
105. In an in-depth investigation published in 2013, *The New York Times* reviewed hundreds of child firearm deaths and found that unintentional shootings occur roughly twice as often as federal records indicate because of idiosyncrasies in how such deaths are classified by authorities (for example, an unintentional shooting being classified as a homicide). According to the *Times*, “The undercount stems from the peculiarities by which medical examiners and coroners make their ‘manner of death’ rulings. These pronouncements, along with other information entered on death certificates, are the basis for the nation’s mortality statistics, which are assembled by the National Center for Health Statistics, a division of the Centers for Disease Control and Prevention. Choosing among five options — homicide, accidental, suicide, natural or undetermined — most medical examiners and coroners simply call any death in which one person shoots another a homicide.” “Children and Guns: The Hidden Toll,” *The New York Times*, September 28, 2013 (<http://www.nytimes.com/2013/09/29/us/children-and-guns-the-hidden-toll.html?pagewanted=all&r=0>).
106. Source, Centers for Disease Control and Prevention WISQARS database.
107. Source, Centers for Disease Control and Prevention WISQARS database, additional calculations by Violence Policy Center.
108. Source, Centers for Disease Control and Prevention WISQARS database.
109. Michael L. Nance, MD, Brendan G. Carr, MD, MS, Michael J. Kallan, MS, Charles C. Branas, PhD, and Douglas J. Wiebe, PhD, “Variation in Pediatric and Adolescent Firearm Mortality Rates in Rural and Urban US Counties,” *Pediatrics*, Volume 125, Number 6, June 2010.
110. Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, “Who are the owners of firearms used in adolescent suicides?,” *Suicide and Life-Threatening Behavior*, December 2010.
111. Harvard T.H. Chan School of Public Health, *Means Matter* (<http://www.hsph.harvard.edu/means-matter/means-matter/case-fatality/>).
112. Harvard T.H. Chan School of Public Health, *Means Matter* (<http://www.hsph.harvard.edu/means-matter/>).
113. Centers for Disease Control and Prevention, “What Do Parents Need to Know to Protect Their Children?” (http://www.cdc.gov/nceh/lead/acclpp/blood_lead_levels.htm).
114. Some recent evidence even suggests that there is a strong link between exposure to lead and criminal activity, see for example: Kevin Drum, “America’s Real Criminal Element: Lead,” *Mother Jones*, January/February 2013

(<http://www.motherjones.com/environment/2013/01/lead-crime-link-gasoline>); Jessica Wolpaw Reyes, "Environmental Policy as Social Policy? The Impact of Childhood Lead Exposure on Crime," National Bureau of Economic Research Working Papers, May 2007 (<http://www.nber.org/papers/w13097>); and, Rick Nevin, "Understanding international crime trends: The legacy of preschool lead exposure," *Environmental Research* 104 (2007) 315-336 (<http://pic.plover.com/Nevin/Nevin2007.pdf>).

115. *Trumpeter Swan Society v. Environmental Protection Agency*, 774 F.3d 1037 (D.C. Cir. 2014).
116. David C. Bellinger, PhD, MSc, et al, "Health Risks from Lead-Based Ammunition in the Environment — A Consensus Statement of Scientists," March 22, 2013 (<http://escholarship.org/uc/item/6dq3h64x#page-1>).
117. Violence Policy Center and Environmental Working Group, *Poisonous Pastime: The Health Risks of Shooting Ranges and Lead to Children, Families, and the Environment*, May 2001 (<http://www.vpc.org/graphics/poison.pdf>) and *Lead Pollution at Outdoor Firing Ranges*, Environmental Working Group, companion study to *Poisonous Pastime* (<http://www.vpc.org/publications/lead-pollution-at-outdoor-firing-ranges/>).
118. Centers for Disease Control and Prevention, "Prevention Tips" (<http://www.cdc.gov/nceh/lead/tips.htm>).
119. "Loaded With Lead: Part 1," *Seattle Times*, October 17, 2014 (<http://projects.seattletimes.com/2014/loaded-with-lead/1/>).
120. "Loaded With Lead: Part 1," *Seattle Times*, October 17, 2014 (<http://projects.seattletimes.com/2014/loaded-with-lead/1/>).
121. "Loaded With Lead: Part 3," *Seattle Times*, October 20, 2014 (<http://projects.seattletimes.com/2014/loaded-with-lead/3/>).
122. See <http://www.m4carbine.net/showthread.php?157264-is-3-yrs-old-too-young-to-help-dad-clean-ar/page2>.
123. See <http://www.healthychildren.org/English/safety-prevention/all-around/Pages/Gun-Safety-Keeping-Children-Safe.aspx>.
124. Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, "Who are the owners of firearms used in adolescent suicides?," *Suicide and Life-Threatening Behavior*, December 2010.
125. See <http://w3.4-hshootingsports.org/Kids'N'Guns.php>.



Violence Policy Center

1730 Rhode Island Avenue, NW Suite 1014

Washington, DC 20036

WWW.VPC.ORG

EXHIBIT 4

This is an archived page. [Report a problem](#)

The New York Times

The Opinion Pages

Taking Note

The Editorial Page Editor's Blog

Marketing Guns to Children

By **Anna North** February 19, 2016 10:05 am

The gun industry markets a variety of products explicitly to children, a new report shows, from armed stuffed animals to lighter versions of rifles. And some see kids as a vital group of future gun buyers who need to be brought into the fold at a young age.

The report, called “Start Them Young” and issued on Thursday by the Violence Policy Center, lists a variety of firearms meant at least partly for children. It mentions the Crickett rifle, a gun made for children by the company Keystone Sporting Arms. Keystone’s website and some of its merchandise bear the image of “Davey Crickett,” a gun-wielding cartoon insect. The company sells Davey Crickett hats, dog tags and pins, as well as a Davey Crickett Beanie Baby, listed as “not for children under three years of age.”

Keystone’s website also sells books featuring “Little Jake,” a boy who uses his gun to bring down a bear and save an African village from a marauding elephant. The publisher of the books says Little Jake is actually older than he looks: “Little Jake is a fictional character in his late teens. While small in stature so that young children may relate to him, Little Jake is old enough to hunt and fish safely on his own without adult supervision.”

“Start Them Young” also cites the rise of .22-caliber versions of higher-caliber rifles, often produced with lightweight materials. According to an article in the trade

magazine Shooting Sports Retailer, “these guns bring the coolness and fun of the tactical rifle to kids and less serious shooters.” The website of the retailer Gander Mountain describes one such weapon thus: “Designed for the indoor range and the youth shooter, this Carbon15 .22 LR Rimfire lightweight is sure to add new dimensions to your Bushmaster shooting pleasure. Operational controls are functionally and ergonomically identical to AR-15 type rifles.”

The report makes the case that the gun industry and some gun-rights advocates see putting guns in the hands of children as a crucial recruitment move. In a 2012 report, the National Shooting Sports Foundation, the gun industry’s trade association, explicitly recommended that gun manufacturers market to children: “To help hunting and target shooting get a head start over other activities, stakeholders such as managers and manufacturers should target programs toward youth 12 years old and younger. This is the time that youth are being targeted with competing activities.” An online ad for a Marlin XT rifle features a father and son and boasts, “FOR THE FUTURE OF OUR SPORT, IT’S THE MOST POWERFUL FIREARM ON EARTH.” And the editor-in-chief of the magazine Junior Shooters wrote in 2012:

Each person who is introduced to the shooting sports and has a positive experience is another vote in favor of keeping our American heritage and freedom alive. They may not be old enough to vote now, but they will be in the future. And think about how many lives they will come in contact with that they can impact!

In 2015, at least 282 people were accidentally shot by a child under 18, according to the group Everytown for Gun Safety. This year, the count is already up to 33.

And while weapons designed for children may be lighter, they are still deadly — “Start Them Young” notes that a five-year-old Kentucky boy accidentally killed his two-year-old sister with a Crickett rifle in April 2013. He had gotten the gun as a birthday present.

© 2017 The New York Times Company

California Notices

California Notices