



Consumer Federation of America

Dangerously Flawed Firearms That Could be Recalled Under The Firearms Safety and Consumer Protection Act

Firearms are exempt from federal health and safety requirements, unlike virtually all other products—from toys to jumbo jets. That means no federal agency can recall guns that contain safety-related defects. Many firearms contain defects in design or manufacture making them likely to unintentionally discharge. The following are some examples of guns with design problems which could be recalled under The Firearms Safety and Consumer Protection Act—legislation that would subject guns to the same safety standards as virtually all other products manufactured in the U.S.

Sturm, Ruger & Company's Old Model Single Action Revolver. More than 600 people, including children, have been killed or injured by unintentional discharges from Old Models. This revolver was manufactured from 1953 until 1972. It incorporated no positive safety device and is therefore extremely prone to discharge when dropped or bumped. The design of the gun was modified in 1973 to include a transfer bar safety, which prevents the gun from firing when dropped. However, by the time the gun was redesigned, 1.5 million of the original revolvers were in the hands of consumers. It was 10 years before Sturm, Ruger took any action to remedy the hazard posed by the Old Models. In 1982 the company offered to retrofit Old Models with a transfer bar safety, but only a fraction of the guns have been retrofitted. The company still distributes flyers telling owners of Old Model revolvers, "Ruger wants to give you, and install FREE, a unique new improvement." Consumers are never warned that the guns present a serious safety hazard. Despite Ruger's knowledge of the defect in the design of the Old Model, the company still refuses to issue a recall of the guns. Even though the guns are old, they still cause death and serious injury. For example, in 1990 Andrew Baxter, a minor, was shot in the abdomen when his father's Old Model unintentionally discharged. The gun was manufactured and purchased in 1968, more than 20 years prior to the accident.

Other single-action revolvers suffer from similar safety-related problems. For example, in 1986 a federal appeals court upheld a punitive damage of \$1,250,000 against Colt in a case involving the unintentional discharge of a single action revolver. The plaintiff had taken the handgun with him on a fishing trip. He was sitting on a rock when the gun fell from his holster, struck a rock, and discharged. The bullet lodged in his bladder, damaging vital nerves and rendering him impotent.

Excam Derringer. This imported handgun is commonly known as a "junk gun" or "Saturday Night Special." Such guns are of poor construction and therefore prone to unintentional discharge. The Excam, along with other imported junk guns from F.I.E. and Roehm/R.G. have been associated with numerous incidents of unintentional discharge. For example, in one incident that resulted in a lawsuit, a man was working in his son's bar and carrying the gun in the pocket of his vest. When he bent over the ice machine the hammer of the gun struck a box and the gun discharged. The bullet penetrated his abdomen and exited his posterior right flank. Even the weapon's instruction manual acknowledged that the pistol could discharge if it were dropped or bumped. Two expert witnesses in the trial testified that the pistol's capacity to discharge if the hammer were to be inadvertently bumped constituted a design defect. Yet the

gun was intended to be carried in a pocket rather than a holster, virtually guaranteeing that it would be bumped. The court upheld a \$125,000 verdict stating, “The evidence...supports the jury’s findings that the TA38S derringer pistol designed and manufactured by Excam was defective in both its design and manufacture.”

Lorcin Pistols. Lorcin Engineering made “junk guns” in the U. S. In 1996 Lorcin announced it was filing for bankruptcy to protect itself from at least 18 pending liability suits. One case alleged that a Lorcin pistol contained a defective safety that failed to properly engage, allowing the pistol to be fired when the safety appeared to be on. It was also alleged the gun had an inconsistent trigger pull that varied between three and fifteen pounds which also makes it prone to unintentional discharge. Many of Lorcin’s guns are of such poor quality they would be ineligible for importation under the Bureau of Alcohol, Tobacco and Firearms’ (ATF) “sporting purpose” test.

Remington Model 700 Bolt-Action Rifles. The Remington 700 is the most popular bolt-action hunting rifle. Yet the rifle contains two design defects, which cause the rifle to fire unintentionally when the gun is jarred or when the bolt of the gun is moved. In 1994 a Texas jury awarded \$15 million in punitive damages to a hunter who shot himself in the foot when a Remington Model 700 rifle discharged without the trigger being pulled. The plaintiff uncovered company documents which revealed that Remington was aware the rifle contained a defect that allowed it to fire without the trigger being pulled—but chose not to market a safer design it had developed. Documents also showed that Remington refused to recall the gun even though its own internal product safety committee determined that many pre-1975 Model 700s could fire without the trigger being pulled.

Glock Pistols. The Glock is one of the most popular sidearms used by law enforcement officers in the United States. Deficiencies in the guns’ design make it prone to unintentional discharge. For example, the gun contains no external safety device that would allow the gun to be placed in a safe mode or “turned off”. The pistols also have a very short and light trigger pull which can allow even very young children to fire the gun. For example, in 1996 the 3-year-old daughter of a District of Columbia police officer unintentionally shot and killed herself with her father’s service pistol.

The above examples graphically illustrate how guns with safety-related defects can kill or seriously injure gun consumers and innocent bystanders, including children. This sad consequence is solely the result of the firearm industry’s exemption from basic health and safety regulation. Currently, the only protection afforded those hurt by defective guns is to file a lawsuit after a victim is killed or injured.

The history of consumer product regulation teaches that a significant number of deaths and injuries can be prevented by effective health and safety regulation. The Firearms Safety and Consumer Protection Act would subject the gun industry to the same health and safety regulation as virtually all other products sold in America. The bill would give the Department of Justice the authority to set minimum safety standards; require the recall, repair, or refund of the purchase price of defective guns; and mandate warnings. The bill would finally end the gun industry’s deadly immunity from regulation.