

# Metro

960405CWE600J  
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Sect 15

SECTION  
**B**

WEDNESDAY, APRIL 3 1996

## Boy, 10, killed by pellet gun fired by friend

By Abraham Kwok  
Staff writer

When he was a child, Chris Braun knew someone who was killed with an air gun. So he vowed to his sons, "ever since they could talk," that no guns would be allowed in their home.

That promise couldn't save Braun's 10-year-old son Tuesday afternoon.

Peter Braun died when a neighborhood friend playing with a pellet rifle shot him in the head. Peter was a fourth-grader at Desert Winds Elementary School in north Phoenix.

The lead pellet struck the boy behind his right ear at point-blank range. He was taken to St. Joseph's Hospital and Medical Center, where he later was pronounced dead.

Phoenix police said Peter and his 12-year-old brother were playing at home with a friend who owned the pellet rifle when they examined the weapon's chamber, found it empty and presumed the gun to be unloaded.

Even as they handled the gun, Peter's brother was on the telephone paging their father to seek permission to go to the friend's home to play, Sgt. Mike Torres said.

The friend, a 12-year-old boy whose name was withheld because of his age, pulled the trigger.

Chris Braun said he has long feared firearms and would not allow any type of gun in his household, "not even a squirt gun." He said he had no idea the boys were playing with the pellet gun until his 12-year-old told him moments after Peter was shot.

"We're all broken up right now," Braun said Tuesday night. "Peter was a good boy. He had a lot of friends.

"We're all broken up right now. Peter was a good boy. He had a lot of friends. He was my baby."

Chris Braun whose son, Peter, died after being shot with a pellet rifle

He was my baby."

The shooting, which took place about 1:45 p.m. in the 1400 block of West Renee Drive, just north of Union Hills Drive, was the second fatality in the Valley in the past six months involving an air rifle.

On Dec. 7, a teenager fatally wounded a younger stepbrother in their Apache Junction home.

Kyle Tomason, 10, died shortly after a BB pellet pierced the membrane around his heart and lodged in a blood vessel. The shooting was ruled accidental.

Firearms safety experts say that because BB guns, pellet guns and other similar weapons marketed for children are powered by air rather than gunpowder, many people underestimate their destructiveness.

At close range, they say, high-powered BB and pellet guns are capable of causing tissue damage similar to that of a conventional firearm, such as a .22-caliber handgun.

The velocity of the average BB is about 300 feet per second. A pellet's velocity ranges from 425 to 1,100 feet per second.

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960405 LWE 6001  
E. West # 5 - 12-

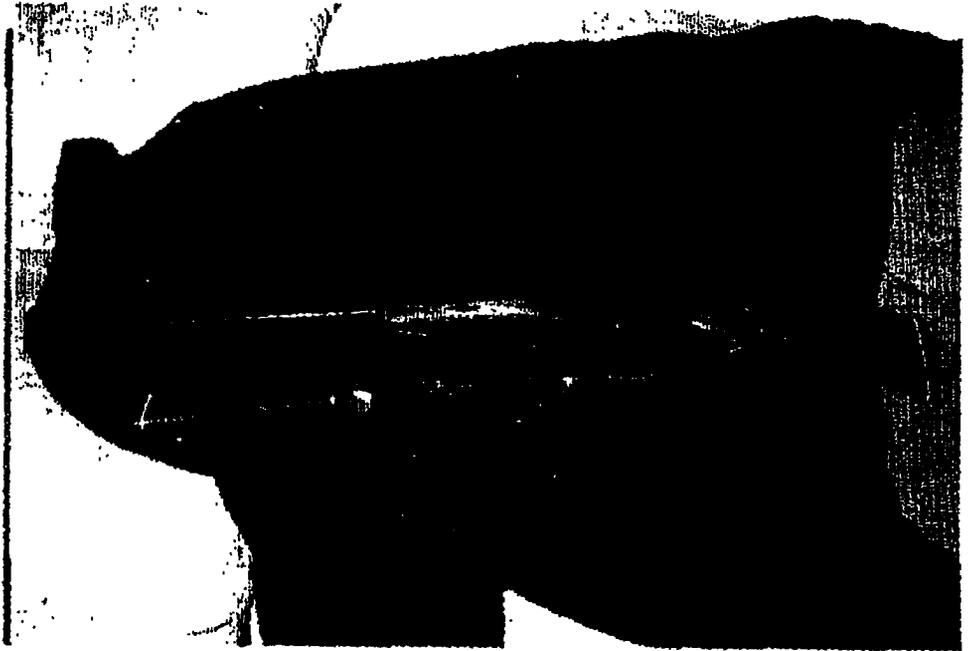


Photo # 1 - Two air rifles and one  
pistol on top of blue table.

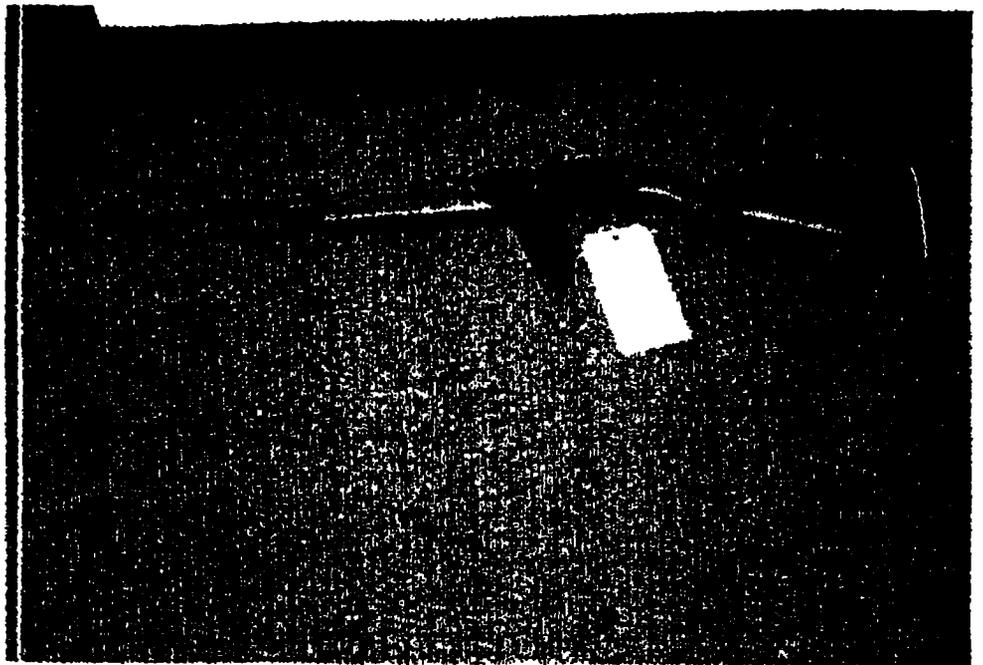


Photo # 2 - The fatal pellet was found  
from this air rifle.

7604050W: 6001  
Effekt # 3 - Police Photo

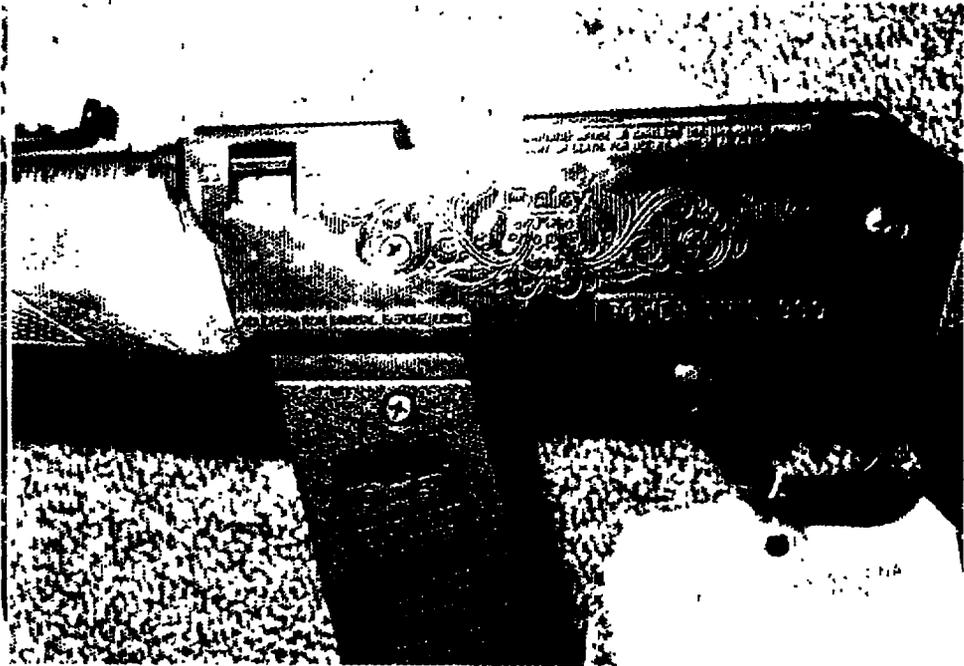


Photo #3 - Satchel identifies this gun as a  
a Lacey Power Line 991.

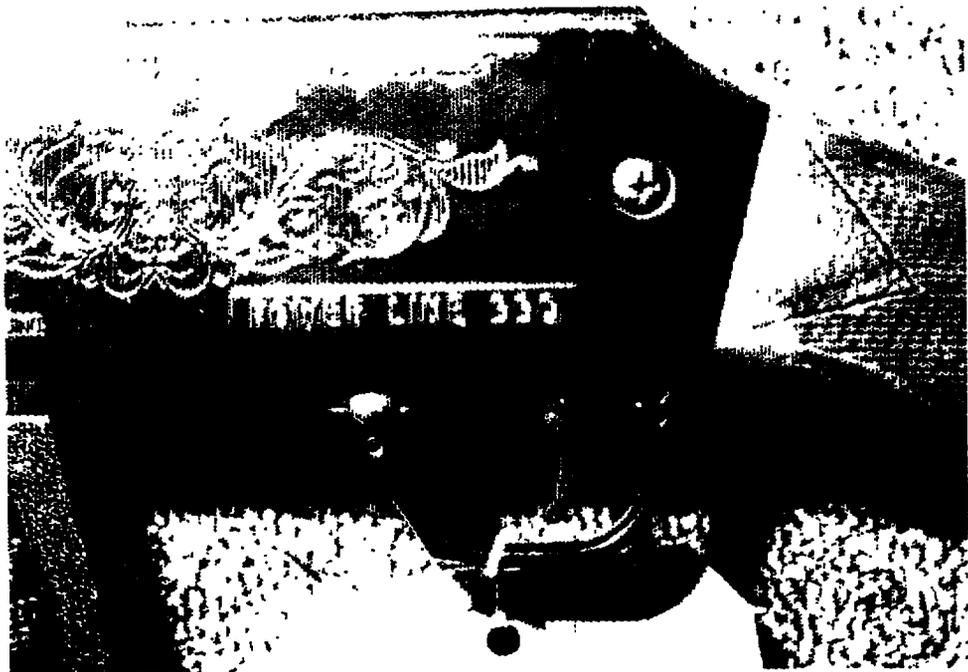


Photo #4 - Close up of trigger, warning  
statement and serial number.

960405 LWE 6001  
Exhibit # 8 Police # 26

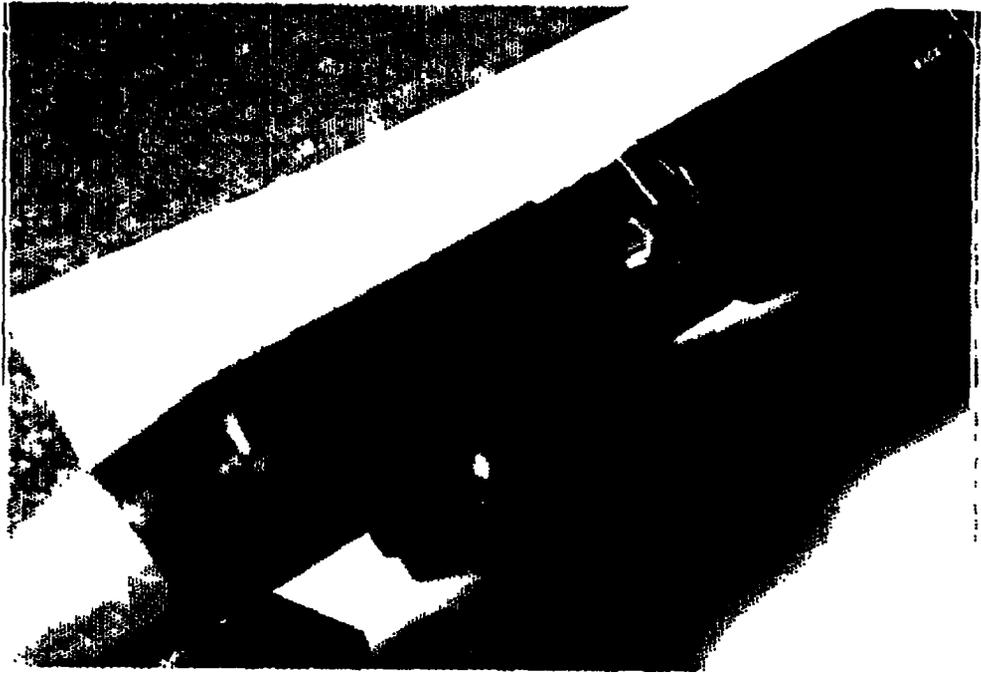
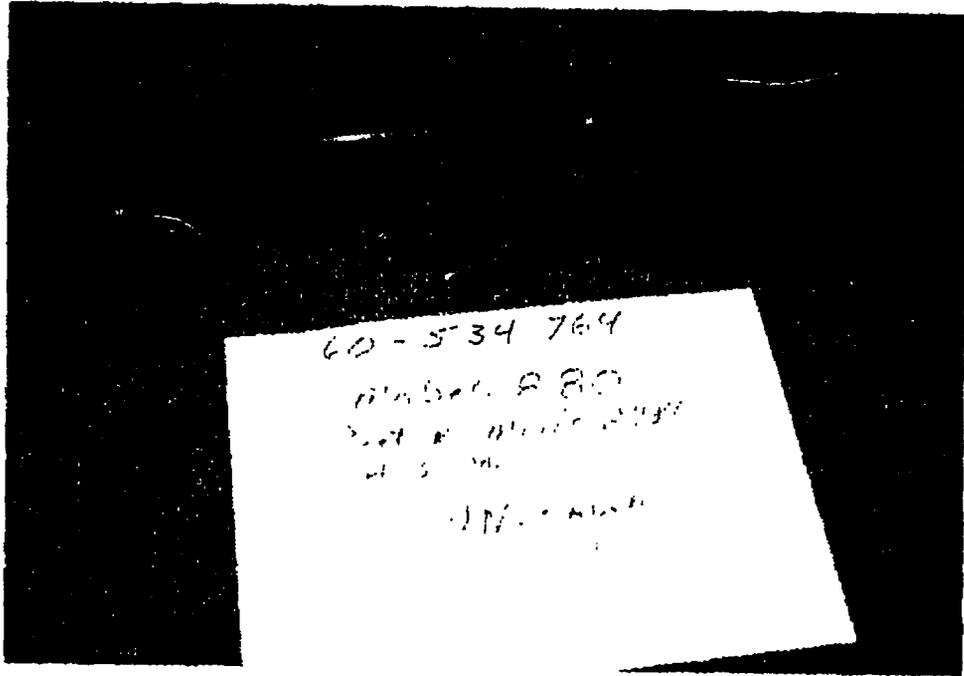


Photo # 5 - Top view of the  
Barrel 9906



60-534 764  
Model 880  
Serial # 111111  
11/1/60

Photo # 6 - View of the barrel and  
rifle. It was identified as a  
Garry 880.

1004050001 6001  
Photo # 1 - 1/2 - 1/2 - 1/2

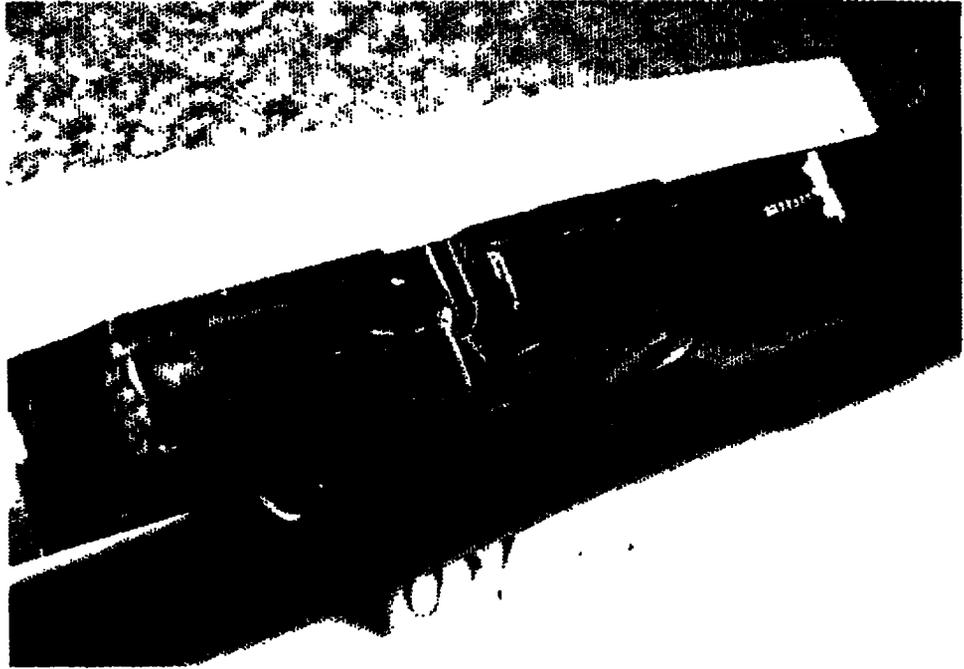


Photo # 1 - Top view of Dining table.  
Table set for 4 people.

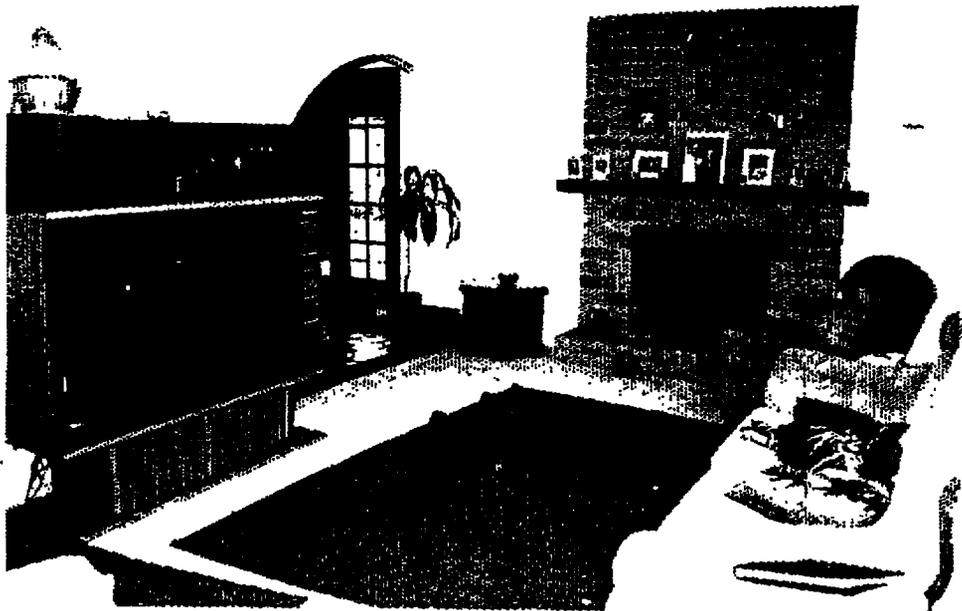


Photo # 2 - View from dining room

760404, CWE 6001  
Exhibit # 8 - Police Photo



Photo # 9 - View of 2 cushion sofa  
in family room located outside living room.

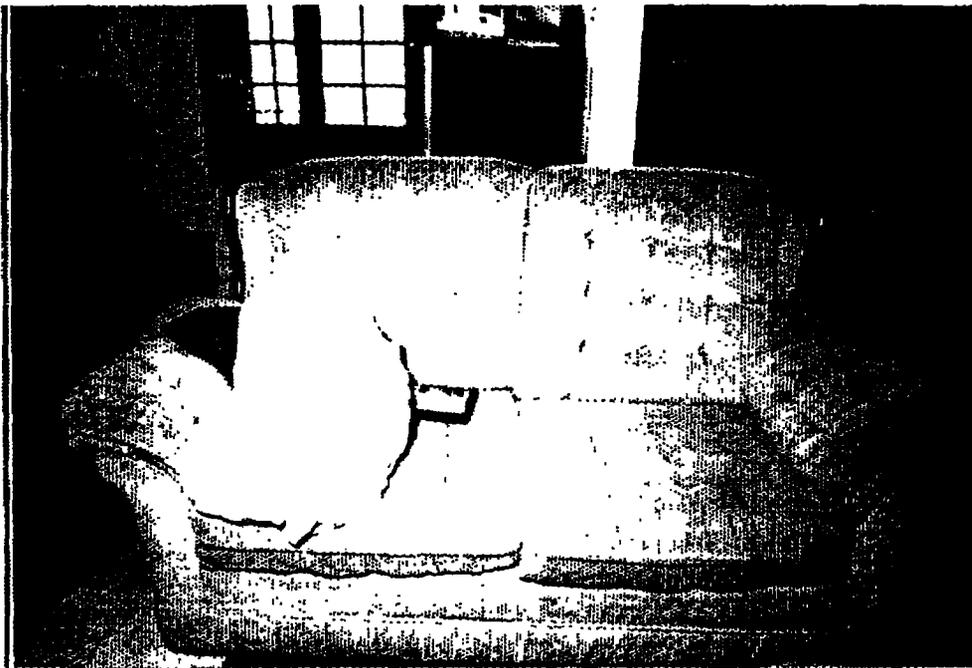


Photo # 10 - Front view of the  
2 cushion sofa.

160405LWE6001  
Ephilet # 8 - Police Photo

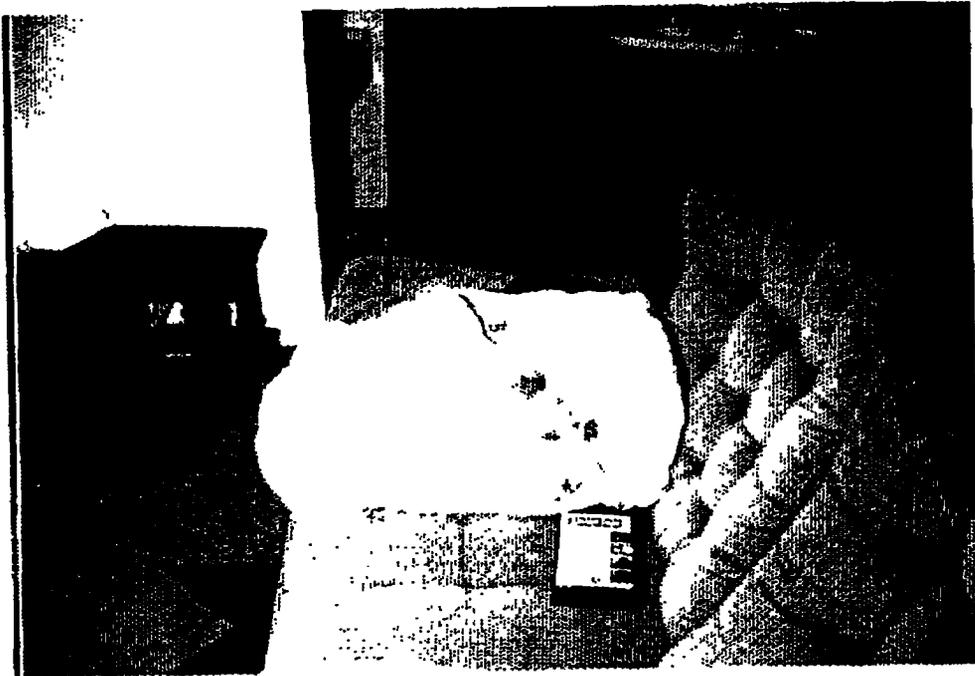


Photo # 11 - Notice blood on  
pillow.

# National Injury Information Clearinghouse Request Record

Log Number: 199908216

Login Date: 08/17/1999 FOI Control Nbr:

Name: INKS

State: TN

Product Code: 1237

How Received: Written  Phoned In Person Internet

Tech:  Technical 6B Miscellaneous External/Internal:  External Internal

Brand/Type

Product: GAS/AIR/SPRING OPERATED GUNS - I Type of Request: A Attorney ME Media

Who Assigned: HLB

C Consumer NA Association

Difficulty: 1  3 5

F Foreign PH Physician/Hosp

Close Date: 08/17/1999

G Government  R Research

I Insurance U Unknown

M Mfr/Company

Year Searched: 1997 & 1998

Text Used:

SCOTT INKS  
BOX X177  
MIDDLE TENNESSEE STATE UNIVERSITY  
MURFREESBORO, TN 37132  
615-898-2436  
615-8598-5308 FAX

ENCL:

1997 & 1998 FREQ. FOR GAS/AIR/SPRING OPERATED GUNS (INCLUDING BB GUNS)

L 10 LETTER

Phone Response \_\_\_\_\_

To FOI \_\_\_\_\_

To EXPA \_\_\_\_\_

Mailed \_\_\_\_\_

E-mailed \_\_\_\_\_

Faxed \_\_\_\_\_ \*

Picked Up \_\_\_\_\_

US Consumer Product Safety Commission

August 1999Error!

Bookmark not defined.

Washington DC 20207 - 0001

Telephone 301-504-0424

Email <clearinghouse@cpsc.gov>

Internet <www.cpsc.gov>

### Information Sources for Disputed Cases of Child Abuse

US CPSC's National Injury Information Clearinghouse has summary descriptions of many incidents involving children and household products such as baby-walkers, cribs, swings, toilets, and stairs. None of these cases are reported as violence. Printouts of these cases are used as examples of accidents to compare to a case of possible child abuse.

Dr. Robert Kirschner, 312-891-5983. Fax-773-288-3587. Email <r-kirschner@midway.uchicago.edu>. Referrals to forensic experts on child abuse from a forensic pathologist.

National Clearinghouse on Child Abuse and Neglect Information, 1800-394-3366, M-F. Fax-703-385-3206. Email <nccanch@calib.com>. Internet <www.calib.com/nccanch>. Library services for professionals -- but no forensic referrals. Information and referrals for the public. Funded by US DHHS; ACF; Children's Bureau.

Child Abuse Prevention Network, 607-275-9360. Email for Dr. Tom Hanna <tph3@cornell.edu>. Internet <http://child.cornell.edu>. Premier website for child abuse includes listservs for specialists on different aspects; bookmarks; and the National Child Fatality Review.

National Center for Prosecution of Child Abuse, 703-549-4253. Fax-703-836-3195. Email for Daniel Armagh <daniel.armagh@ndaa-apir.org>. Suite 510; 99 Canal Center Plaza; Alexandria VA 22314. Internet <www.ndaa-apir.org>. Help for prosecutors.

Center for Youth Law, 415-543-3307. Fax-415-956-9024. Email <info@youthlaw.org>. Internet <www.youthlaw.org>. Help for attorneys representing indigent children. It includes forensic experts and expert witnesses.

ABA Center for Children and the Law, 202-662-1720. Fax-202-662-1755. Email <ctrchildlaw@abanet.org>. Internet <www.abanet.org/child>. One activity is training attorneys who represent child-protection organizations.

US DoJ; Juvenile Justice Clearinghouse, 1800-638-8736. Fax-301-519-5600. Email <askncjrs@ncjrs.org>. Internet <www.ncjrs.org/jjmec.htm#portgde>, guidelines for child-abuse investigations on several topics.

National Association of Medical Examiners, 314-577-8298. Fax-314-268-5124. Email for Denise Randazzo <randazdd@SLU.edu>. Internet <www.thename.org/NODIA/NODIAMenu.htm>. The website lists organizations relevant to forensics and gives medicolegal guidelines for death investigations.

American Academy of Forensic Sciences, 719-636-1100. Fax-719-636-1993. Email <membership@aafs.org>. Internet <www.aafs.org>. Professional society of criminalists and forensic scientists.

National Sudden Infant Death Syndrome Resource Center, 703-821-8955. Fax-703-821-2098. Email <info@circsol.com>. Internet <www.circsol.com/sids>. Answers on SIDS and Munchausen-by-proxy syndromes for both health professionals and the public. Funded by US DHHS; HRSA; Maternal and Child Health Bureau.

American Professional Society on the Abuse of Children, 312-554-0166. Fax-312-554-0919. Email <apsacmems@aol.com>. Internet <www.apsac.org>. Professional society.

International Society for Prevention of Child Abuse and Neglect, 312-578-1401. Fax-312-321-1405. Email for Kimberly Svevo, <ispcan@aol.com>. Internet <www.ispcan.org>. Professional society.

Sex Offender Registry, <www.prevent-abuse-now.com/register.htm>.

American Academy of Pediatrics, 847-228-5005. Fax-847-228-5097. Email <kidsdocs@aap.org>. Internet <www.aap.org>. Email for Kathy Sanabria <ksanabria@aap.org>. Professional society of pediatricians.

US NIH; National Institute of Child Health and Human Development, 301-496-5133. Internet <www.nih.gov/nichd>. Although it is the premier research facility for children's medicine, NICHD has no information directly on abuse.

General lists of experts for hire --

1. Internet <www.expertpages.com> or <www.findlaw.com>.
2. Referral lists are in legal database systems such as WestLaw, <www.westlaw.com>, and Lexis/Nexis, <www.lexis-nexis.com>. One of these commercial computer systems is used by most attorneys.
3. Technical Advisory Service for Attorneys, 1800-523-2319. Internet <www.tasanet.com>. Referrals to expert witnesses are available only to attorneys and insurance companies. TASA's database lists 30,000 expert witnesses in 5,500 subject categories.
4. Defense Research Institute, 312-944-0575. Internet <www.driewb.org>. Dossiers on 47,000 expert witnesses.

--End--

US Consumer Product Safety Commission  
Washington DC 20207 - 0001  
Telephone 301-504-0424

August 1999  
Email <clearinghouse@cpsc.gov>  
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International Society for Prevention of Child Abuse and Neglect, 312-578-1401. Fax-312-321-1405. Email for Kimberly Svevo, <ispcan@aol.com>. Internet <www.ispcan.org>. Professional society.

Sex Offender Registry, <www.prevent-abuse-now.com/register.htm>.

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photos

13 AUG 1996

1. CASE NO. 960712CAA5330		2. INVESTIGATOR'S ID [9][0][0][3]		3. OFFICE CODE [8][3][0]		EPIDEMIOLOGIC INVESTIGATION REPORT	
4. DATE OF INCIDENT YR MO DAY [9][6][0][6][1][5]			5. DATE INVESTIGATION YR MO DAY INITIATED [9][8][0][7][1][7]				
6. SYNOPSIS OF INCIDENT OR COMPLAINT: On 6/15/96 at approximately 3:00PM a 11 year old boy accidentally shot himself in the eye with a BB gun. The boy was attempting to cock the lever action of the BB gun when it fired without the trigger being pulled and while the safety was on. The boy was temporarily blinded and his iris was torn; his vision has since returned, but he will have some permanent sight loss.							
7. LOCATION (Home, school, etc.) home [1][0]			8. CITY Madison		9. STATE WI		
10A. FIRST PRODUCT BB gun [1][2][3][7]			11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Daisy brand model #1938B "Red Ryder" spring powered lever action BB gun; manufactured by the Daisy Manufacturing Company, Rogers, AR.				
10B. SECOND PRODUCT N/A [0][0][0][0]			11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS N/A				
12. AGE OF VICTIM [0][1][1]		13. SEX (USE NUMERICAL CODE) MALE - 1 FEMALE - 2 [1] UNKNOWN - 3		14. DISPOSITION treated at hospital E.R. and released [2]		15. INJURY DIAGNOSIS torn iris in eye [5][9]	
16. BODY PART eye [7][7]		17. RESPONDENT(S) (Mother, Friend) victim's father, attorney [1]		18. TYPE INVESTIGATION ON SITE - 1 TELEPHONE - 2 [1] OTHER - 3		19. TIME SPENT Tr:3.0 [0][6][.][0]	
20. ATTACHMENTS multiple [9]		21. CASE SOURCE [1][1]		22. REVIEWED BY YR MO DAY [8][1][3][0] [9][6][0][8][0][7]			
23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY) CPSC MAY DISCLOSE MY NAME [ X ] CPSC MAY NOT DISCLOSE MY NAME [ ]							
24. NARRATIVE (See Instructions on Page 2)  See attached narrative.				25. REGIONAL OFFICE DIRECTOR REVIEW DATE			

MFR/PRVLBR NOTIFIED 7/20/98  
 No Comments made  
 Comments attached  
 Excisions/Revisions  
 Firm has not requested further notice

(USE ADDITIONAL SHEETS IF NECESSARY)

960712CAA53301SUMMARY:

On 6/15/96 at approximately 3:00PM a 11 year old boy accidentally shot himself in the eye with a BB gun. The boy was attempting to cock the lever action of the BB gun when it fired without the trigger being pulled and while the safety was on. The boy was temporarily blinded and his iris was torn; his vision has since returned, but he will have some permanent sight loss.

PRE-INCIDENT:

On 7/07/95 the father of the 11 year old victim purchased a new Daisy brand model #1938B "Red Ryder" spring powered BB gun from the Shopko Department Store located on Southtown Road in Monona, WI. It has a black metal receiver, a brown plastic stock, and a lever action cocking mechanism. The gun is manufactured by the Daisy Manufacturing Company, P.O. Box 220, Rogers, AR. 72756. The gun retailed for \$32.95.

Upon bringing the gun home the father read the instruction manual provided with the gun, and then instructed his son on it's safe operation. These instructions included warnings to only shoot at targets in the backyard, don't shoot towards the house, don't shoot animals, and not to point the gun at anyone. The father provided these same cautions to his son on several occasions, including the day of the accident. The boy is slight with limited upper body strength, and he had some difficulty cocking the lever action rifle. He frequently would place the butt of the stock on the ground, holding the barrel up and away from his face; he would hold the barrel area with his left hand, and would pull upwards on the cocking lever to cock the weapon. He would not place his hands or fingers in the area of the trigger when pumping the gun in this manner, and would have the push button safety in the on or "safe" position.

The 11 year old boy used the gun at least 2-3 times monthly during the good weather months (not including approximately Nov-Mar) from the time he first received the gun from his father in July 1995 and June 1996. His father felt the boy practiced good safety procedures when using the gun, and no incidents occurred.

INCIDENT:

On 6/15/96 at approximately 3:00PM the 11 year old boy was in his backyard using the BB gun to shoot at paper targets. His father was also in the yard and was watching him.

At one point the boy apparently tired, and had difficulty cocking the lever action of the BB gun that allows it to again be ready to fire a single shot. The boy is described as "slight" in stature with limited upper body strength. As he would get tired

he would sometimes place the butt of the gun on the ground with the barrel pointing up in the air and then pull up on the cocking lever with his fingers. As he was doing this on this date his fingers slipped or he otherwise lost his grip on the cocking lever. Though the safety was in the on or "safe" position while the gun was being cocked and the boy did not pull the trigger, the gun fired, firing a BB into the boy's eye.

**POST-INCIDENT:**

The boy's father immediately transported the victim to Merriter Hospital, 202 S. Park St., Madison, WI. 53715, ph. #608-267-6030 for treatment. The boy was temporarily blinded and his iris was torn; his vision has since returned, but he will have some permanent sight loss. He receives follow-up treatment from a specialist, Dr. Joseph Weinstein, Physician's Plus, 7102 Mineral Point Rd., Madison, WI., ph. #608-833-1577. The medical records have been requested, and will be submitted as an addendum to this report when they are received.

This CPSC investigator examined the BB gun during the on-site investigation conducted on 7/22/96. The gun appeared to be in good condition, and showed evidence of being recently oiled. An emblem appears to be missing from the right side of the stock. The gun had not malfunctioned previous to this incident, and the gun had not been serviced or previously disassembled.

The 11 year old victim is currently away at summer camp and will not be back in the area for several weeks. His father had witnessed the accident, and he agreed to duplicate the position his son was in when the gun misfired. Please refer to these reenactment photos attached as Exhibit "A."

Specifically, the boy was in a position kneeling on the ground on one knee. The butt of the stock of the gun was on the ground, with the barrel pointing up in the air. The boy's left hand was grasping the plastic barrel hand grip, and he was lifting the cocking lever with the fingers of his right hand. As he was pulling up on the cocking lever his fingers slipped or he otherwise lost his grip on the cocking lever. The safety was in the on or "safe" position while the gun was being cocked, and the boy never pulled the trigger or place his hands anywhere near the area of the trigger guard portion of the receiver. When his hand slipped off the cocking lever the boy may have inadvertently pulled the barrel of the gun towards his face. The gun fired, firing a BB into his eye.

A quantity of the BB shot recommended for this gun was purchased by this Investigator, and the gun personally tested on 7/23/96. It was determined that if the gun is held in a position similar to that described by the victim's father, it will fire with the

safety on and without pulling the trigger. This occurs if the user brings the cocking lever to a point just short of the fully cocked position, and then releases it; the internal spring will quickly return the cocking lever to the closed position, and as this occurs the gun will fire a BB.

In examining the gun, this Investigator noted that the misfiring can be easily duplicated again and again. If the tester watches the single BB being fed into the firing position through the viewing port located on the top of the barrel near the hand hold as the gun is being cocked, and then stops lifting the cocking lever immediately at the point where the BB is fed in to the firing mechanism (just short of the point where the cocking lever is fully opened and clicks into the fully open position) the gun will then fire if the cocking lever is let go. This will happen with the safety in the on or off position, with the gun barrel in any orientation, and without pulling the trigger.

The gun was collected as Sample #96-830-3409 and sent directly to J. DeMarco, CCA via RPS on 7/24/96.

PRODUCT IDENTIFICATION:

BB gun: New Daisy brand model #1938B "Red Ryder" spring powered BB gun, purchased from the Shopko Department Store located on Southtown Road in Monona, WI. The gun is manufactured by the Daisy Manufacturing Company, P.O. Box 220, Rogers, AR. 72756. The gun retailed for \$32.95. The original box the gun was sold in contains a manufacture date code of 2/92.

APPLICABLE STANDARDS:

This product would be subject to the Consumer Product Safety Act.

ATTACHMENTS:

- Exhibit "A" - Photographs of the BB gun, packaging, and an reenactment of the position the victim was in when the gun misfired.
- Exhibit "B" - Sample Collection Receipt issued on 7/22/96.
- Exhibit "C" - Sample Collection report #96-830-3409.
- Exhibit "D" - "Authorization for release of name" form signed by the victim's father on 7/22/96.

Exhibit "E" - "Authorization for Medical records Release"  
form signed by the victim's father on 7/22/96.

Exhibit "F" - Original investigation request.

Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2076(f)) is quoted below:

(f) For purposes of carrying out this Act, the Commission may purchase any consumer product and it may require any manufacturer, distributor, or retailer of a consumer product to sell the product to the Commission at manufacturer's, distributor's, or retailer's cost.

Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b)) is quoted below:

(b) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such hazardous substances in interstate commerce; (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein; and (3) to obtain samples of such materials or packages thereof, or of such labeling. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

NOTE: The term "Secretary" in the Federal Hazardous Substances Act section should be substituted by the term "Consumer Product Safety Commission".

Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d)) is quoted below:

(c) The Commission is authorized and directed to prescribe such rules and regulations, including provisions for maintenance of records relating to fabrics, related materials, and products, as may be necessary and proper for administration and enforcement of this Act. The violation of such rules and regulations shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice, in commerce, under the Federal Trade Commission Act.

(d) The Commission is authorized to-

(1) cause inspections, analyses, tests, and examinations to be made of any product, fabric or related material which it has reason to believe falls within the prohibitions of this Act; and

(2) cooperate on matters related to the purposes of this Act with any department or agency of the Government; with any State or territory or with the District of Columbia or the Commonwealth of Puerto Rico; or with any department, agency, or political subdivision thereof; or with any person.

Section 704(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(c)), [(Authority for Sample Collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)) is quoted below:

(c) If the officer or employee making any such inspection of a factory, warehouse, or other establishment has obtained any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

NOTE: The term "Commission" meaning the "Federal Trade Commission" in the Flammable Fabrics Act section should be substituted by the term "Consumer Product Safety Commission".

U.S. CONSUMER PRODUCT SAFETY COMMISSION		1. AREA (City and State) IDA 960712 CAA 5330 WISCONSIN MADISON, WI 53711	
		2. NAME OF INDIVIDUAL MARK MEXONA	3. TITLE OF INDIVIDUAL SELF
5. FIRM NAME SELF		4. DATE 7/22/96	
7. NUMBER AND STREET 4463 BEACE ST.		8. CITY AND STATE (Include Zip Code) MADISON, WI 53711	
9. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identification)  The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2074(f) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1370(b) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d) and/or Section 704(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form.  1 - USED DAISY BB GUN, MODEL # 1435 B  BORROWED SAMPLE - RETURN TO COMPLAINANT ABOVE WHEN NON-DESTRUCTIVE TESTING IS COMPLETED.			
10. SAMPLES		11. SAMPLES WERE	
a. AMOUNT RECEIVED FOR SAMPLE _____		<input type="checkbox"/> PURCHASED	
b. SIGNATURE (Person from whom sample received) X [Signature]		<input checked="" type="checkbox"/> BORROWED (To be returned)	
		12. COLLECTOR	
		a. NAME (Print or type) DENNIS R BEASINS	
		b. SIGNATURE [Signature]	

**U.S. Consumer Product Safety Commission  
SAMPLE COLLECTION REPORT**

<b>1. Sample Flag</b> BORROWED SAMPLE!!!		<b>2. Date Collected</b> 7/22/96		<b>3. Sample Type and Number:</b> 96-830-3409 <input checked="" type="radio"/> Physical <input type="radio"/> Documentary	
<b>4a Product Name</b> BB GUN-AIR POWERED		<b>4b Model</b> RED RYDER		<b>4c NEISS</b> 1237	
<b>5. Assignment Number</b> 960712CAA5330		<b>6. Complete for Import Samples</b> Port of Entry: _____ Country of Origin: _____ Entry No. and Date: _____ Customs Contact: _____		<b>7. MIS</b> 32626	
<b>8. Hours</b> Activity _____ 3 Travel _____ 2		<b>9a Home RO</b> FOER		<b>9b Collecting RO</b> FOCR	
<b>10. Sample Cost</b> Borrowed		<b>11. Invoice Value of Lot</b> N/A		<b>12. Size of Lot</b> <b>Units</b> 1                              unt	
<b>13. Manufacturer/Importer # DAI002</b> DAISY MANUFACTURING CO. P.O. BOX 220 ROGERS, ARK 72756		<b>14. Shipper/Foreign Manufacturer</b> SHOPKO RETAIL STORE SOUTHTOWN RD. MONONA, WI.		<b>15. Dealer/Import Broker #</b> MARK MECINA 4463 BEALE STREET MADISON, WI. 53711	
<b>16. Supporting documents attached:</b> Invoice No. and Date: _____ Date Shipped: _____ Shipping Record and Date: _____ Affidavit Signer's name, title and date: <u>SCR SIGNED 7/22/96 BY #15 ABOVE</u>					
<b>17. Product Identification:</b> Product is described as a Daisy brand Red Ryder, model #1938B air powered BB gun. Gun has a black metal receiver, and brown plastic stock. It has a lever action pump. The stock has a Red Ryder emblem					
<b>18. Reason for collection/analysis needed:</b> <input type="radio"/> FHSA <input checked="" type="radio"/> CPSC <input type="radio"/> FFA <input type="radio"/> PPPA <input type="radio"/> RSA F/U to IDI #960712CAA5330; 11 Y.O. boy struck in eye by BB when gun misfired.					
<b>19. Summary of Field Screening:</b> Photos showing father re-enacting the position his son was in when the gun misfired were taken, see IDI. Failure repeatedly duplicated by CPSC Investigator, details forwarded with sample. Sample was provided					
<b>20. Sample size/Method of Collection:</b> Sample was collected from consumer identified in #15 above during on-site investigation conducted on 7/22/96. Sample remained in my custody or in the locked CPSC office from time of collection until					
<b>21. Identification on sample:</b> " 96-830-3409                              DRB    7/22/96			<b>22. Identification on seal and date:</b> " 96-830-3409 Dennis Blasius                              7/22/96 "		
<b>23a Sample delivered to:</b> J.DEMARCO VIA RPS			<b>23b Date</b> 7/24/96		<b>24. Report/Record Sent to:</b> FOER
<b>25. Laboratory/Office:</b> LSHL _____    LSEL _____    CRM _____    CCA <u>X</u> Other <u>DEMARCO</u>					
<b>26. Remarks:</b> Sample sent to J. DeMarco, CCA, via RPS on 7/24/96. This is a borrowed sample- please return sample to #15 above as soon as evaluation is complete. Compl. requests letter/lab test results regarding CPSC					
<b>27. Related Samples:</b> NONE					
<b>28a Collector's name/title:</b> Dennis Blasius                              Resident Investigator			<b>28b Collector's signature/date:</b> <i>Dennis Blasius</i> 7/22/96		
<b>29a Reviewer's name/title:</b>			<b>29b Reviewer's signature/date:</b>		

960712CAA5330

**PRODUCT IDENTIFICATION**

imprinted in the stock. Further information on top portion of barrel states "BB Cal [45mm] steel air qun shot." Also has useage directions on barrel. Pat. #3,888,229; Lot #92093279.

**FIELD SUMMARY**

for non-destructive testing only! Must be returned within 30 days.

**METHOD OF COLLECTION**

later shipment to the Sample Custodian on 7/24/96. Sample was labeled as ID'd in #21, and shipped in container sealed as ID'd in #22.

**REMARKS**

preliminary findings. Attached: SCR, copy of orig. assignment request.

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

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AUTHORIZATION FOR RELEASE OF NAME

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Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

You are hereby authorized to disclose my name and address with the information collected on this case.

My identity is to remain confidential.

V. J. Messina  
(Signature)

7/22/96  
(Date)



U.S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE

TO WHOM IT MAY CONCERN:

You are hereby authorized to furnish the United States Consumer Product Safety Commission

all information and copies of any and all records you may have pertaining to ( my case )

( the case of GREGORY J. MESSINA 6/21/84 DOE  
Name

SON  
Relationship to you )

including, but not limited to, medical history, physical reports, laboratory reports and pathological slides, and X-ray reports and films.

7/22/96  
(Date)

G. J. Messina  
(Signature)

Qu. Blawie  
(Witness)



\*\*\*\*\*FOR OFFICIAL USE ONLY! DO NOT RELEASE!\*\*\*\*\*

ACCIDENT INVESTIGATION REQUEST FORM

Document Number: C9665023 A

Date of Incident: 5/96

Category I.D.: SECT JD 1996

Follow-up Requested:

Section 15

Type Follow-up Requested: X On-site - if necessary, but ascertain majority of information from telephone contacts.

Headquarters Contact: Jay DeMarco, CO, CCA, HQ 301-504-0608 x 1353

Assignment Message: Do Full & Complete IDI and get photos OR SAMPLE if possible. Get better scenario and witnesses and also medical records. Was this a serious injury? Also, see if victim or parents will let us use their names and be recontacted by our OIPA office. Call with questions. This is part of a Commission industry wide investigation and project. Who bought gun and what age and where was it kept or stored. Was the child supervised??

Person(s) to contact: SEE ATTACHED DOCUMENT!!!

Guideline: 9010.40, Chapter 10 Enforcement Policy and Procedures

Requested by: Jay DeMarco, CO, CCA (301)504-0608 x 1353

Task Number: 960712 CAA 5330

Assigned to: MHO Date: 7/12/96

CPSC 324E (Jrf 10-12-95)[AB INTEREST]

960712 CAA5330

**K & L**

ATTORNEYS AT LAW

CPSC/OFC OF THE SECRETARY  
FREEDOM OF INFORMATION ACT

1996 JUN 17 P 3:11

15  
Jey

[REDACTED]

AT5

LEE R. ATTERBURY  
MICHAEL RILEY  
MICHAEL J. LUEBKE

OF COUNSEL  
E.M. SWINGEN

700 Regent Street,  
Suite 201  
Madison, WI 53715  
(608) 257-4715  
(800) 817-3729  
(608) 257-1727 Fax

Mailing address:  
P.O. Box 2839  
Madison, Wisconsin  
53701-2839

e-mail - [attorb@k&l.com](mailto:attorb@k&l.com)  
<http://www.k&l.com/>

ISSUE

JUL 9 1996

June 14, 1996

Consumer Product Safety Commission  
Office of the Secretary  
Washington, D.C. 20207

RE: Daisy Air Rifle

To Whom it May Concern:

123

We are looking for any information that pertains to problems with Daisy air rifles discharging without the trigger being pulled. Our client's Daisy air rifle discharged when the lever slipped after the gun was cocked; the safety was on at the time.

Any information regarding this product and this or similar problems would be helpful.

Thank You,

*Becky Orvick*

Becky Orvick

940712CAA5330

*[Handwritten signature]*

~~5-6060102~~  
606105



JUL 17 1996

CONSUMER PRODUCT INCIDENT REPORT

1. NAME OF RESPONDENT Mike Riley Atterburn Riley + Luebke SC		2. TELEPHONE NO. (Home) (Work) <del>827</del> (608) 257-4715	
3. STREET ADDRESS 700 Regent St. Ste 201		4. CITY STATE ZIP CODE Madison WI 53715	
5. DESCRIBE ACCIDENT SITUATION OR HAZARD, INCLUDING DATA ON INJURIES. (Use second page if necessary.) 11 year old boy was cocking the BB gun. It slipped and discharged. He did not touch the trigger. The safety was on. The boy's father was supervising at the time, + saw the accident.			
6. DATE OF INCIDENT(S) 5/96	7. IF INJURY OR NEAR MISS, OBTAIN AGE <u>11</u> SEX <u>M</u> AND DESCRIBE INJURY <u>tear to the eye</u>	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME _____ RELATIONSHIP <u>client</u>	
9. DESCRIPTION OF PRODUCT BB gun Daisy Air Rifle -- Red Ryder		10. BRAND NAME Daisy	
11. MANUFACTURER/DISTRIBUTOR NAME, ADDRESS & PHONE Daisy Manufacturing (address + phone currently unknown)		12. MODEL, SERIAL NO.'S Red Ryder	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES _____ NO <input checked="" type="checkbox"/> IF YES, BEFORE OR AFTER THE INCIDENT? Describe _____		13. DEALER'S NAME, ADDRESS & PHONE Shopko 2101 W. Broadway Monona, WI 53713 (608) 222-6010	
15. PRODUCT PURCHASED NEW <input checked="" type="checkbox"/> USED _____ DATE PURCHASED <u>7/9/95</u> AGE _____		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: <u>Not addressing this situation</u>	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES _____ NO <input checked="" type="checkbox"/> IF NOT, DO YOU PLAN TO CONTACT THEM? YES <input checked="" type="checkbox"/> NO _____ OTHER _____	18. IS THE PRODUCT STILL AVAILABLE? YES <input checked="" type="checkbox"/> NO _____ IF NOT, ITS DISPOSITION _____	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES <input checked="" type="checkbox"/> NO _____	
FOR ADMINISTRATION USE			
20. DATE RECEIVED	21. RECEIVED BY (Name & Office)	22. DOCUMENT NO.	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1237	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE	

# CALLS TO LAWYERS

960712CAA5336

IDENTIFICATION C9665023

CITY/STATE MADISON, WI

DATE OF INCIDENT 5/96

TYPE OF INJURY TEAR TO THE EYE

AGE/SEX 11 / MALE

SCENARIO (1 sentence) Victim air rifle discharged when the lever slipped after the gun was cocked, the safety latch was on at the time.

(NO ADDITIONAL INFO)

17 SEP 1996

U.S. GOVERNMENT  
MEMORANDUM

U.S. CONSUMER PRODUCT  
SAFETY COMMISSION

WASHINGTON D.C. 20207

DATE: September 3, 1996

TO: John Vece, Supervisory Investigator, FOIC

FROM: Dennis R. Blasius, Investigator, MKE-RP

SUBJECT: Addendum to IDI #960712CAA5330 (Daisy BB gun accident)

On 8/29/96 I received medical reports concerning the injuries sustained by the victim in this incident. Please note that rather than the 6/15/96 incident date originally provided by the complainant, the injuries actually were treated on 5/12/96.

This information should be attached to the original report.

# U.S. Consumer Product Safety Commission

W276 N878 Woodridge Lane • Waukesha, WI 53188 • (414) 650-1216 • (414) 650-1217 fax

August 19, 1996

Physicians Plus Pediatrics  
20 S. Park Street  
Madison, WI. 53715

Re: Request for Medical Records

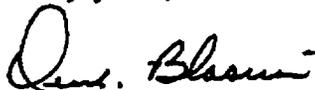
Dear Sir/Ma'am:

The U.S. Consumer Product Safety Commission is the federal government agency tasked with investigating potentially defective products. I am currently investigating an incident that occurred on approximately 6/15/96 (parents are not sure of exact date) in which an 11 year old boy, Gregory J. Messina, DOB 6/21/84, 4463 Beale Street, Madison, WI. , ph. #608-222-5066 received an eye injury while using a BB gun. He was reportedly treated at your office by Dr. Gordon Tuffli.

Attached is an authorization for medical records disclosure form signed by the child's father. Please send a copy (need not be certified) of any relevant medical records to me at the address listed above, along with an invoice for any related costs.

If you have any questions, please telephone me immediately at ph. #414-650-1216. Thank you very much for your cooperation!

Sincerely yours,



Dennis R. Blasius  
Federal Investigator

*note Gregory Messina saw Dr Joel Weinstein, Ophthalmology  
Physicians Plus West Town,  
7102 Mineral Point Road on 5/13/96, 5/14/96, 5/15/96  
Madison, WI 53717 5/17/96, 5/20/96 5/25/96  
6/12/96, 9/24/96.*

*He saw Dr Gary Stecker, Ft Middleton,  
2630 Anheuser Rd on 5/16/96  
111111111111 53562*

25913

Physician Plus  
 Pediatrics-Adolescent Medicine  
 20 South Park Street  
 Madison, WI 53715

C.R. Weatherhogg, M.D., F.A.A.P.  
 G.A. Tunt, M.D., F.A.A.P.  
 T.D. Meier, M.D., F.A.A.P.  
 J.S. Sleeth, M.D., F.A.A.P.

Date	Vital Signs		Lab.
Complaint	Phy. Findings	Diagnosis	Treatment
			Return

PHYSICIANS PLUS MEDICAL GROUP

DATE	TIME	FROM	PATIENT CONTACT RECORD	
2/21/94	2:45 <sup>LM</sup>			
PATIENT NAME	D.O.B.	LOC.	MRN	
Messina, Greg	6-21-84		25913	
CALLERS NAME	TEL.# (H) ( )		UNTIL	
Pam	(W) ( )	282-5066	UNTIL	
PHYSICIAN'S NAME:	PHARMACY			
RECEPT:	MEDICAL:			
Called mom to report NL eye, TC myopia left mes eye.				
<input type="checkbox"/> CHART ORDERED	<input type="checkbox"/> OV REQUESTED:	CHART TO:	SIG./TITLE	
			NM / RN	

PHYSICIANS PLUS MEDICAL GROUP

DATE	TIME	FROM	PATIENT CONTACT RECORD	
5/13/96	8:30			
PATIENT NAME	D.O.B.	LOC.	MRN	
Messina, <del>Greg</del>	6-21-84		25913	
CALLERS NAME	TEL.# (H) ( )		UNTIL	
Pam	(W) ( )	282-5066	UNTIL	
PHYSICIAN'S NAME:	PHARMACY			
RECEPT:	MEDICAL:			
Shot in eye to OB gun on Sunday; saw Dr Weinstein (on call) - no penetration, but saw iris; red w/ x 1 week, bc in red, 90° x 1 week	@ re follow-up - on Weinstein see. F/U @ Weinstein at ophthalmology			
<input type="checkbox"/> CHART ORDERED	<input type="checkbox"/> OV REQUESTED:	CHART TO:	SIG./TITLE	
			NM/Druck	

name

Messina

chart 2/5/94

DATE: 5/12/96 ADM. TIME: NEW PATIENT: CHART COPY: PATIENT HISTORY NO. 

PATIENT NAME: LAST: MESSINA, GREGORY J FIRST: M.I. 13 94 47 7 CP: 39 ACCIDENT:  YES DATE: 5/12/96 WORK RELATED CONDITION:  YES  NO

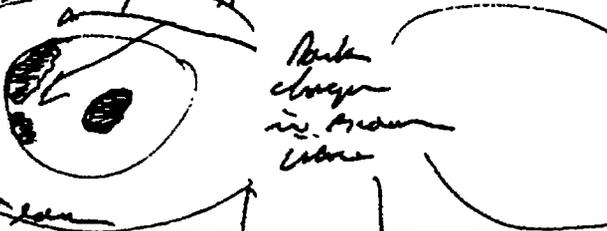
ADDRESS: 4463 BEALE ST MADISON, WI 53711 EMPLOYER: PERSONAL PHYSICIAN / REFERRING PHYSICIAN: TREATING PHYSICIAN: *Jussli 76* *Saari 75*

PHONE: H: 608-222-5066 W: BD: 06/21/84 SB: EYE INJURY DOI SUBSCRIBER NO. POLICY HOLDER / RESPONSIBLE PARTY:

CHIEF COMPLAINT: *Eye* VITAL SIGNS: TIME: 3:10 BP: P: R: T: PRESENT MEDICATIONS: *Ritalin* *Codamol*

NURSING ASSESSMENT: *injured eye - cocking B-B gun, gun dropped out of hands & hit backwards into eye. eye was closed. episode occurred @ 3*

HISTORY AND PHYSICAL EXAMINATION: *sclera red. bleeding noted. Phalloph* *shellen (R) unable to see* *(L) 70* *nearighted - does not have glasses* *looking at gun in lever action. Gun flipped back in hand & went off, at claim he was hit in (R) eye (eye closed) - M-B in glancing blow. hand on pain in eye.* *As to head injury* *(R) eye - red* *both (R) both open. 1 tear* *Dark clots in trauma zone* *AGE: 11 1/2* *WT: 70#* *(per PA)*



ALLERGIES: *NKDA*

PREGNANT/NURSING: YES NO

PRIMARY TETANUS SERIES: YES NO

LAST TETANUS BOOSTER: YEAR

DIAGNOSTIC IMPRESSION: *(R) Acute Trauma @ cornea* *(L) No Hypertension of Reticular discharge*

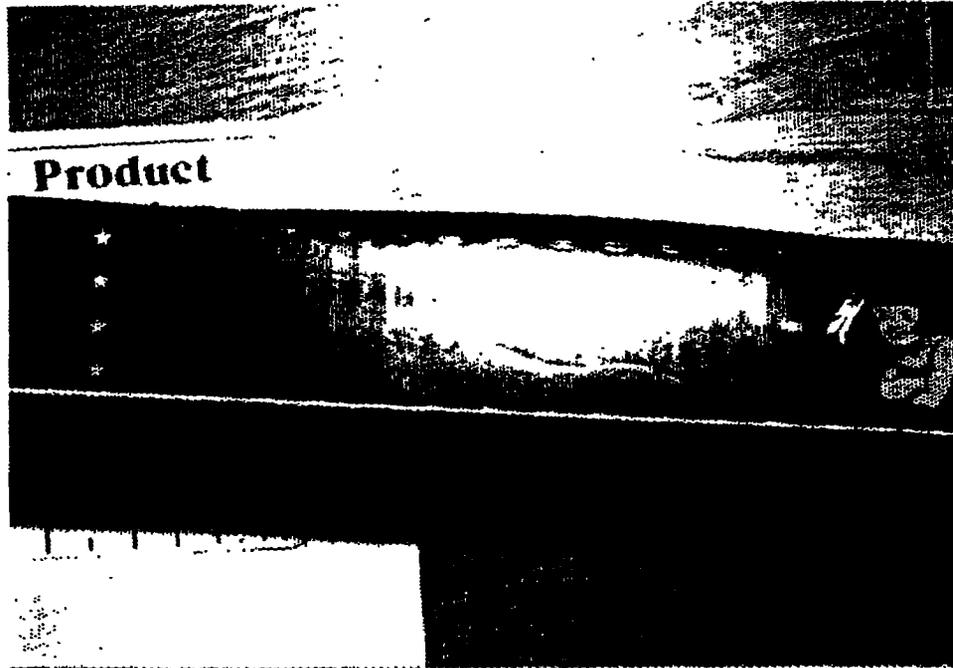
TREATMENT: *Referred to Dr. good mounted -> y/c wait time* *for tray to eye -> immediately*

DIAGNOSTIC TESTS: *ECG OK.* *no hypertension of lat (R) sclera.* *no strabismic hypertonia* *but cornea seems clouded*

FOLLOW INSTRUCTIONS REGARDING-  Abrasions  Sut Lacerations  Steri Strip Use  Tetanus Immun  Contusions  Sprains  Corneal Abrasion  Head Injury  Colds Sore Throat Flu  Vomiting & Diarrhea  Child With Fever  Urinary Tract Infection  Antibiotics/Side Effects  CALL/RE-EXAM DOCTOR IN DAYS ONLY IF SYMPTOMS ARE NOT IMPROVED AFTER \_\_\_\_\_ DAYS  EXCUSED ABSENCE  WORK  GYM  SCHOOL \_\_\_\_\_ DAYS \_\_\_\_\_ UNTIL RECHECK RESTRICTIONS:  YES  NO

ADDITIONAL INSTRUCTIONS: PHYSICIAN SIGNATURE: *[Signature]* I UNDERSTAND INSTRUCTIONS AS GIVEN: Patient Resp. Party: DATE: 5/12/96 417 EAST WASHINGTON AVENUE MADISON, WI 53704 Physiolo Plus Immediate Care Center PAC 7102 MINERAL POINT ROAD MADISON, WI 53717

Exhibit "A"  
IDI #960712CAA5330

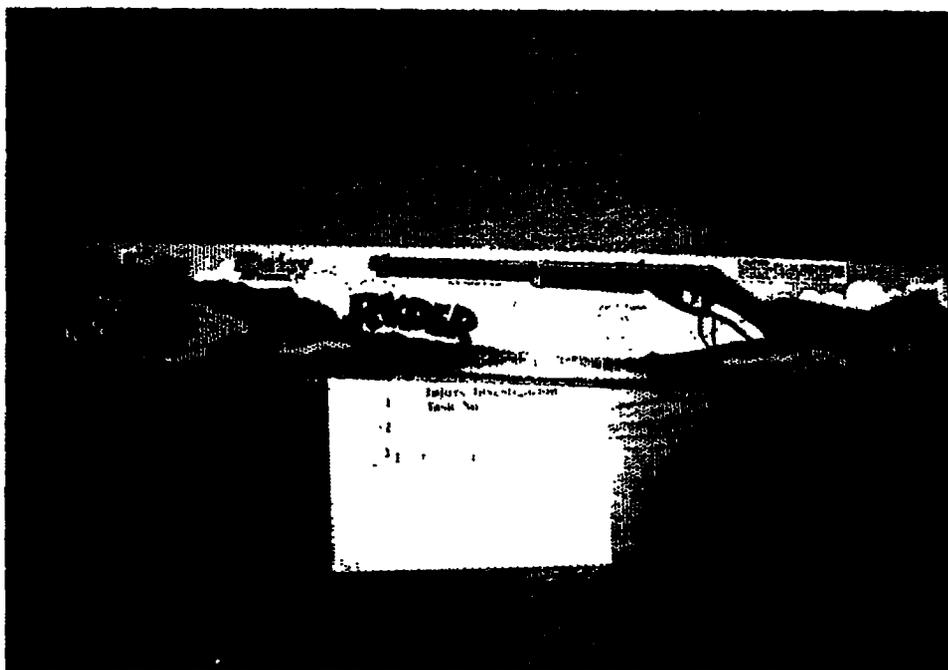


Photos of the packaging the gun was sold in.

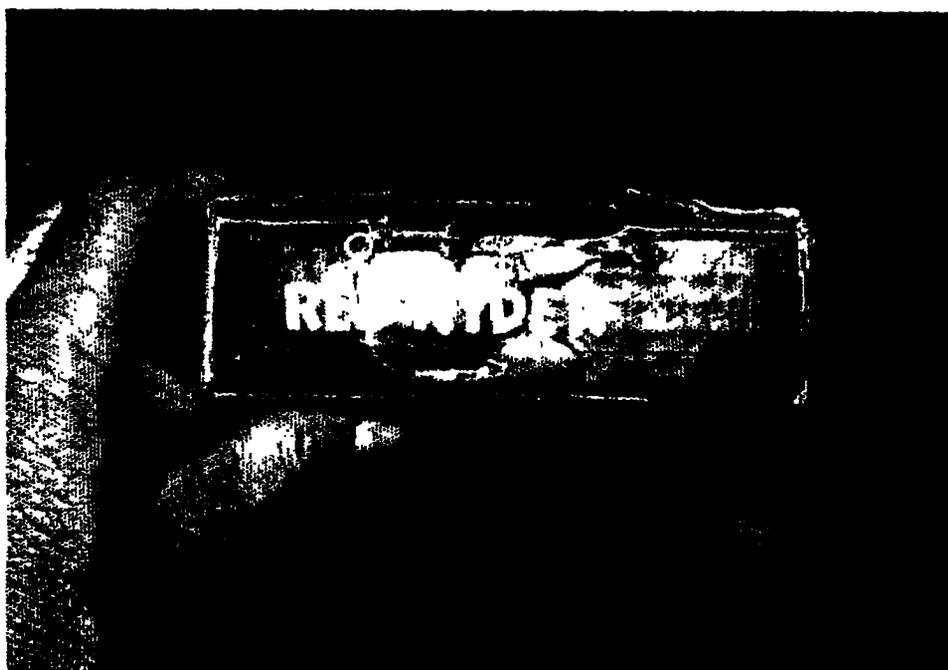
*NEGATIVES*

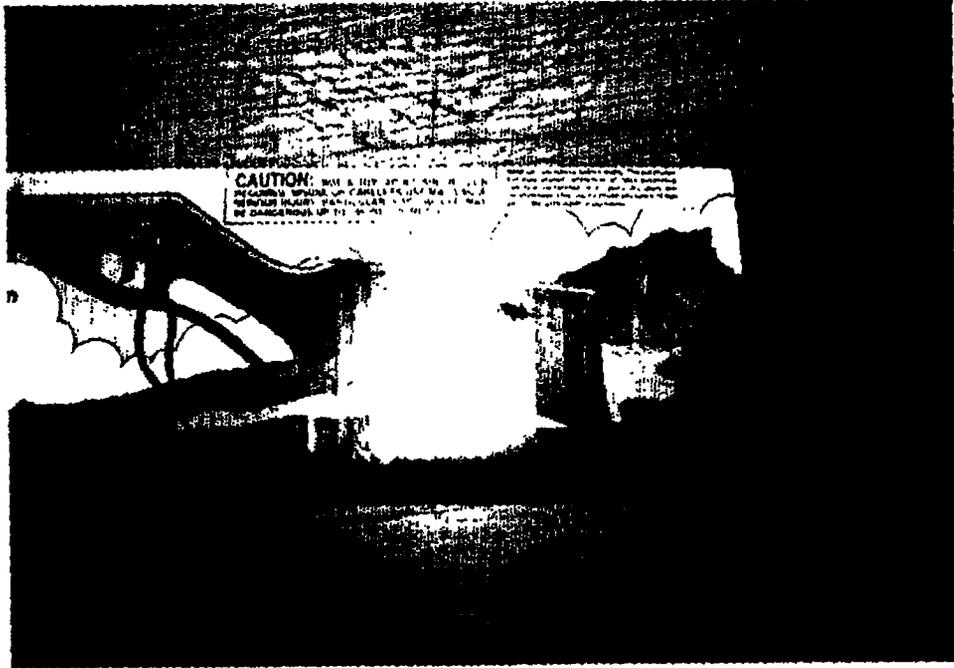
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Exhibit "A"  
IDI #960712CAA5330



Photos of the packaging the gun was sold in.





Photos of the packaging the gun was sold in.

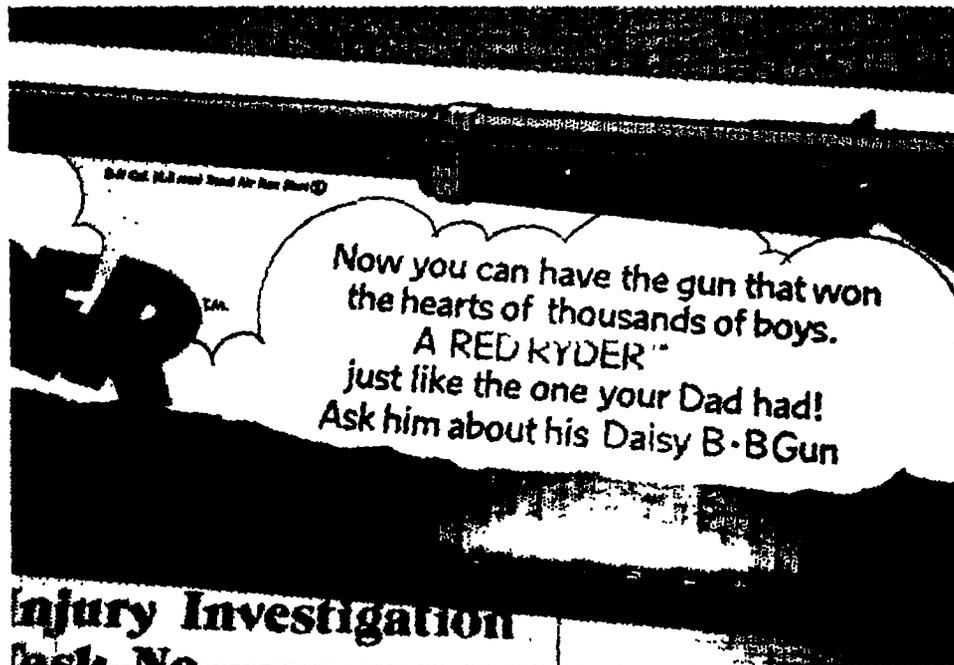
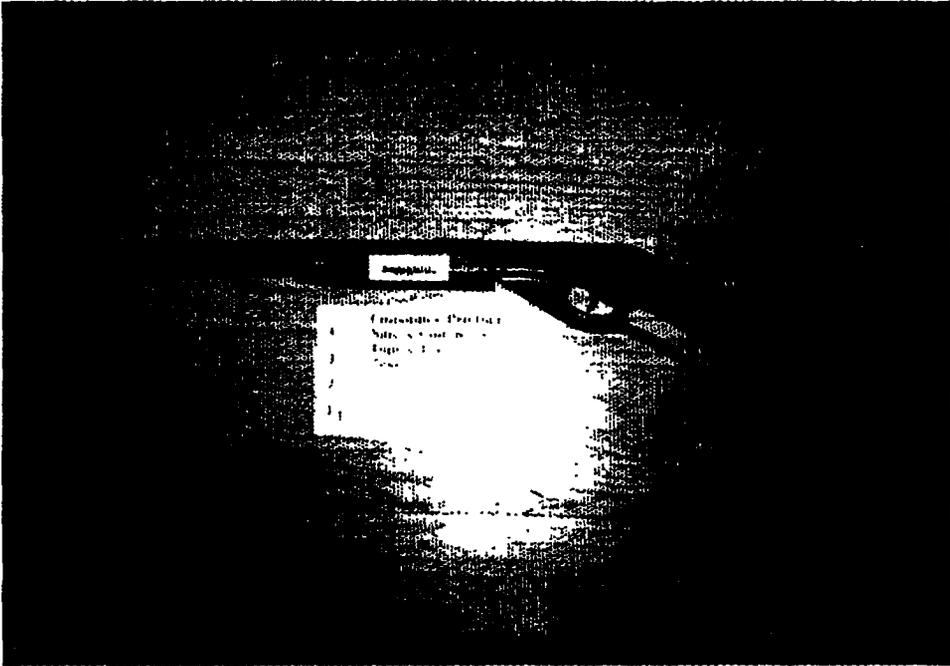
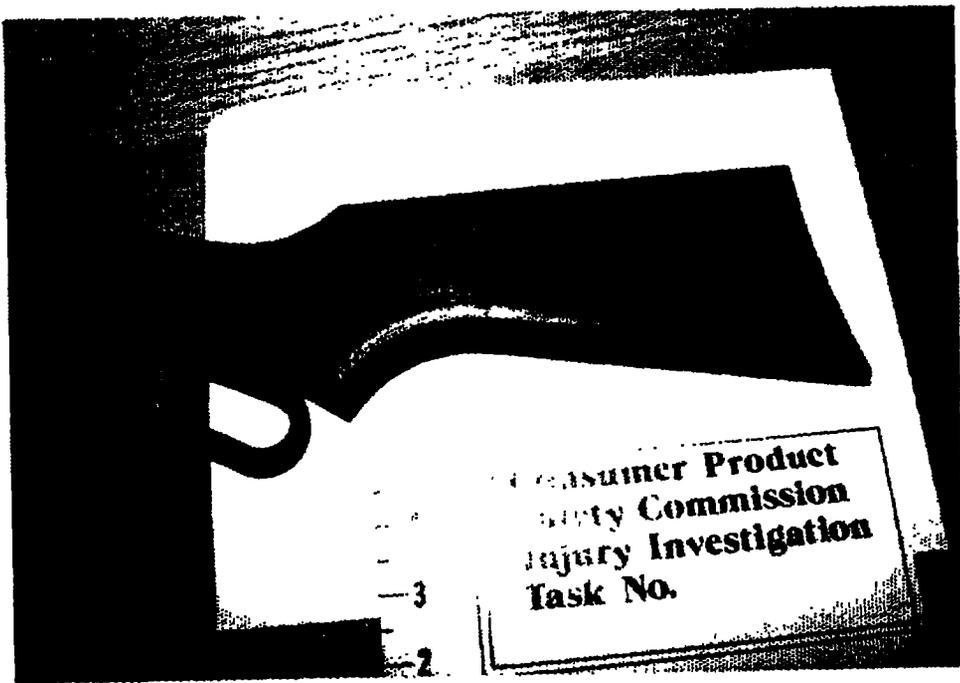
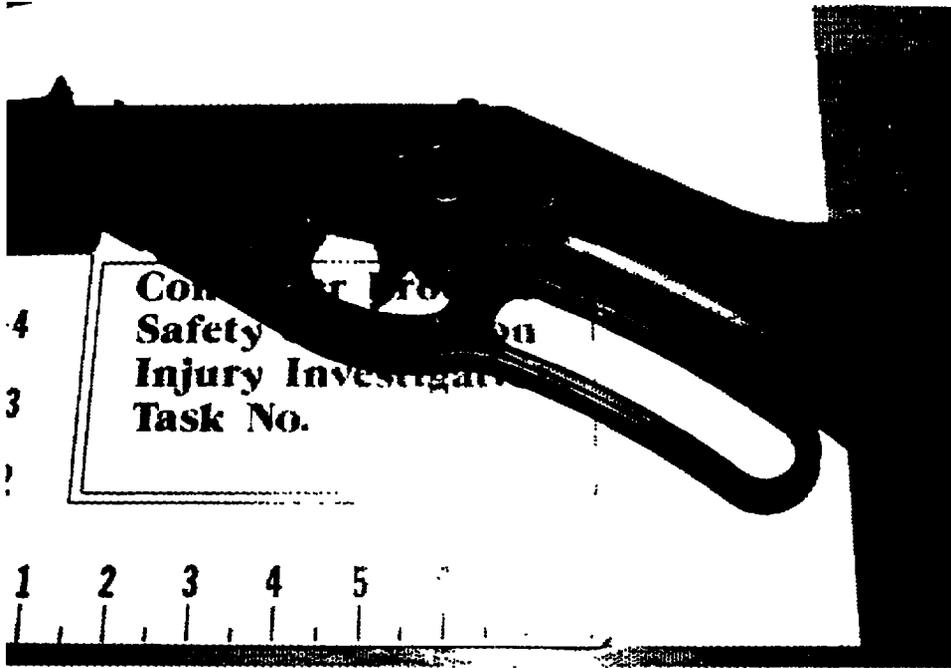


Exhibit "A"  
ID1 #960712CAA5330



Photos of the BB gun involved in this incident.





Above: the lever action; below: the port where loose BB's are put into the gun.

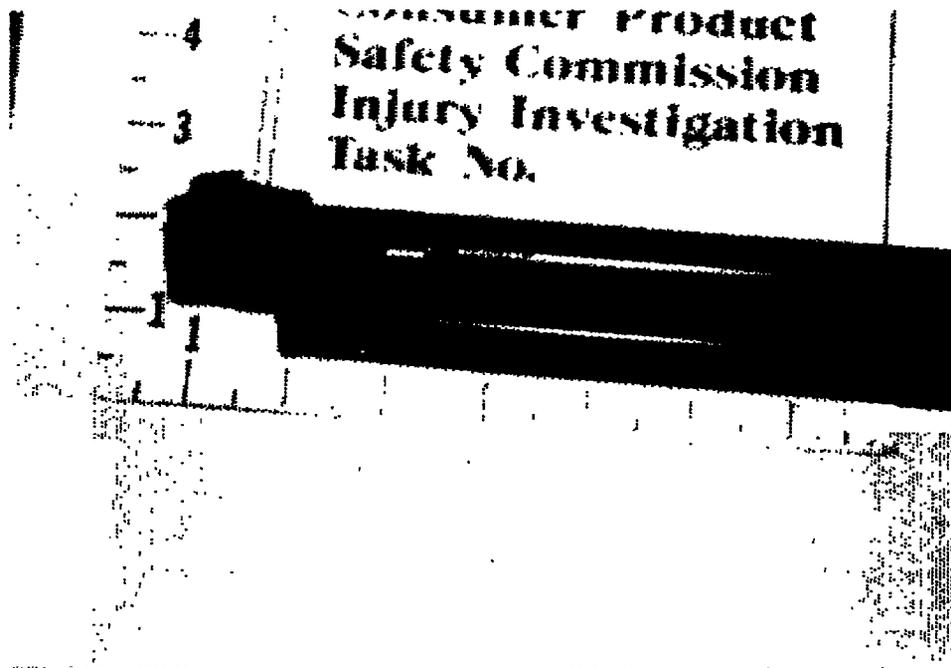


Exhibit "A"  
INL #0607120605D10



Photos of the victim's father reenacting the position his son was in when the gun discharged



Exhibit "A"  
ID# 96-07120189330



Photos of the victim's father reenacting the position his son was in when the gun discharged.

16 OCT 1996

EHDS

8

1. CASE NO. :960925CCN1872	2. INVEST. ID [8][1][3][3]	3. OFFICE [8][3][0]	EPIDEMIOLOGIC INVESTIGATION REPORT
-------------------------------	-------------------------------	------------------------	--

4. DATE OF ACCIDENT YR MON DAY [9][6] [0][9] [0][2]	5. DATE INVEST. INITIATED YR MO DAY [9][6] [0][9] [2][6]
---	--

6. SYNOPSIS OF ACCIDENT OR COMPLAINT  
 A 15 year old boy was pumping up a BB gun. He bumped the trigger and the gun fired. The BB struck a 15 year old boy and the BB lodged near his liver. The boy was hospitalized.

7. LOCATION (HOME, SCHOOL, ETC.) :Railroad Tracks [5][0]	8. CITY :Shoals	9. STATE :Indiana [I][N]
--	--------------------	--------------------------------

10 A. FIRST PRODUCT BB-GUN : [1][2][3][7]	11.A. BRAND NAME, MODEL NUMBER, MANUFACTURER AND ADDRESS Daisy Power Line model 880. .177 cal. Daisy Manufacturing Company, PO Box 220, Rogers, AR 72757 501-636-1200
--	--

10 B. SECOND PRODUCT :None : [0][0][0][0]	11.B. BRAND NAME, MODEL NUMBER, MANUFACTURER AND ADDRESS None
--	--

12. AGE OF VICTIM [0][1][5]	13. SEX (USE NUMERICAL CODE MALE -1 FEMALE -2 UNKNOWN -3 [1])	14. DISPOSITION :Hospitalized [4]	15. INJURY DIAGNOSIS :Puncture [6][3]
--------------------------------	---	---	---

16. BODY PART :Abdomen [7][9]	17. RESPONDENTS (MOTHER, FRIEND) :Investigating officers [3]	18. TYPE INVESTIGATION ON SITE -1 TELEPHONE -2 OTHER -3 [3]	19. TIME SPENT [ ][9].[0] Tr. [ ][5].[0]
-------------------------------------	--	---	--

20 ATTACHMENTS :Report [2]	21. CASE SOURCE :Newspaper [0][5]	22. REVIEWED BY [8][3][ ][ ] / [9][6][ ][ ] / [ ][ ][ ] / [ ][ ][ ]
----------------------------------	---	--

23. PERMISSION TO DISCLOSE NAMES  
 (NON-NEISS CASES ONLY) CPSC MAY DISCLOSE MY NAME [ ] CPSC MAY NOT DISCLOSE MY NAME [ N ]

25/ REGIONAL OFFICE DIRECTOR REVIEW DATE

24. NARRATIVE

MFR/PRVLR NOTIFIED 9/20/95  
 No Comments made  
 Comments attached  
 Excisions/Revisions  
 Firm has not requested further notice

**SYNOPSIS**

A 15 year old boy was pumping up a BB gun. He bumped the trigger and the gun fired. The BB struck a 15 year old boy and the BB lodged near his liver. The boy was hospitalized.

**PRE-ACCIDENT**

The victim was playing with five of his other friends early in the morning at approximately 5:00 AM. The boys were camping out overnight at a location along a river. The boys were standing on railroad tracks and shooting a BB gun at bottles and cans. They were having an exciting time and were not using any safety precautions. They were not using any safety mechanisms on the gun. There was no adult supervision.

Nothing is known about the mental or physical state of either boy involved in the accident.

The victim was standing less than five feet away from a boy who was pumping the gun. The gun was pointing at the victim.

**ACCIDENT**

While pumping up the BB Gun with a BB in the chamber, the 15 year old boy somehow hit the trigger. The gun was pointing at the victim. The Gun fired and the BB struck the boy in the lower abdomen.

**POST ACCIDENT**

The boys panicked and all ran home. The victim went home and reported that he had been shot. His parents drove him to the hospital.

On the way to the hospital, the victim's parents stopped a police officer and reported the incident. The police officer notified the local authorities. The local police investigated the incident. The police examined the BB gun and found that it worked properly. The boy operating the gun had not been using the safety before he pumped the gun.

The victim did not have the BB removed. The doctors decided to leave the BB inside him due to its closeness to the victim's liver.

The incident was declared to be an accident. No charges were filed.

**PRODUCT IDENTIFICATION**

The BB gun is a Daisy Brand. It is a model 880. It uses a .177 cal. BB. It is manufactured by Daisy Manufacturing Company, PO Box 220, Rogers, AR 72757. A serial number was not available.

960925CCN1872

The investigating officer stated that he examined the gun and found it to be operating properly. He could not remember all of the safety items on the gun but stated that they worked when engaged. He fired the gun and determined that it was not defective. He stated that there was a trigger safety. He stated that it was operator error rather than something being wrong with the gun.

The gun was described as being a typical pump BB gun. It did not appear to have been modified.

**REPORTS AND PERSONS INTERVIEWED**

Attached is a copy of the Sheriff's case report. The investigator who released the report requested that the names of the persons involved not be released. They are minors.

I interviewed:

Investigating officer from the County Sheriff's Department

Investigation officer from nearest city.

Deputy Town Marshall.

Indiana State Police Trooper



960925  
CCN  
1872

# CASE REPORT

Martin County Sheriff's Department  
P.O. Box 80  
Shoals, Indiana 47581  
(812) 247-3726



Paul E. Gee, Sheriff

Anthony J. Dant, Chief

Complaint: Accidental Shooting  
Victim: Tony Lambert  
Address: RR#1 Box 81  
City/State: Shoals, IN Grid No.: \_\_\_\_\_  
Phone No.: UNKNOWN  
D.O.B.: 6-7-81 S.S.N.: UNKNOWN  
Reported By: Mike Richardson  
Address: Loogootee Police Dept.  
Phone No.: 295-2246  
D.O.B.: UK S.S.N.: UK

Case No.: 960889  
Approximate Date of Event: 9-2-96  
Approximate Time of Event: 5:00 AM  
Date Received: 9-2-96  
Time Received: 6:20 AM  
Received By: Ruben Montgomery  
How Received: Radio  
Assigned To: Chief Deputy Tony Dant  
Assisted By: \_\_\_\_\_  
Can Information Be Released  Yes  No

Narrative ON 9-2-96 Loogootee Police Department contacted the Martin County Sheriff's Department and stated that their unit (L-7) Mike Richardson was notified by Doug Moffitt and Judy Wheat that Judy's son Tony Lambert had been shot while camping near the railroad tressel & the river in Shoals. Loogootee Police Department contacted Martin County Sheriff's Department they in return contacted town marshal Jim Doyle and this officer, I arrived in shoals and located marshal Doyle he stated that 3 juveniles were going to the jail to give statements of what took place. The juveniles were at the camp site. Their names & address are attached. Myself & Marshall Doyle went to the jail and talked with Josh Fuentado, Tommy Mathes and Pat Moffitt they 1st stated that the three of them and Mervin Holt Tony Lambert and Mark Lambert were all camping

960925

960925 Martin County Sheriff's Department

CCW  
1872

PAUL E. GEE, SHERIFF

Supplemental Case Report

and they were all asleep and Tony just started yelling and when they woke up Tony Mathes stated he saw someone and heard them running west down the railroad tracks. The other two stated that they did not hear any shots or see anything at the time of the shooting.

ISPD Trooper Don Smoot and this officer took the three boys to the railroad tracks where they said the shots came from and you could see the camp site area but it looked as if it would of been pretty hard to shoot anyone from the tracks because of the trees and brush. We talked to the boys for awhile and asked them if they were sure that they did not have a gun of some sort and were shooting cans or just plunking around with it and they all stated no. After talking for awhile we sent them back to my car and Trooper Smoot & myself went down the bank to the camp site, before we did this Marshall Doyle came to the tracks and stated that he had spoke to Merwin Holt and he said that it was a B-B gun and thats all he said. We went to the camp site and right away we found several pop cans that had bullet holes in them they were laying all around the camp site. We picked up about three of the cans and took them back to the car.

Investigating Officer Tony Dant

# Martin County Sheriff's Department

PAUL E. GEE, SHERIFF

960925  
CCN  
1872

## Supplemental Case Report

When the boys were standing and right away Josh Fuentado stated that he was the one that shot Tony Lambert but he did not mean to. He stated that they were all up on the railroad tressell and Josh had the gun and was shooting it. The three of them stated that Tony was about 20 feet away and Josh started pump- ing the gun up (air powered B-B gun) and it went off and Tony bent over and said he was shot. They went over and Tony pulled his shirt up and he had a hole in his side and it had a large bump on it. All of the boys stated that it was an accident. I went to Tom Mathes and advised him of the situation and I took the gun that was used in the shooting. Tommy Mathes stated that it was his gun.

Tommy Mathes (9th grade)	Pat Moffitt (10th grade)	Josh Fuentado (10th grade)
Dob 1-28-82	Dob 3-11-80	Dob 9-18-80
SS# 308-90-9276	SS# 315-92-6136	SS# 314-58-9304
349 Stevens St Shoals, IN.	RR#17 Box 5 Shoals	506 High Street Shoals
Father is Tom Mathes	Father is Paul Moffitt	Father? Mother Mike? Lois
No phone he wks at Schilli trucking	No phone he wks at Main Lumber	Moffitt TX# 247-3417
	ORANGE COUNTY	upwards

Investigating Officer

Tony Dault

Martin County Sheriff's Department

PAUL E. GEE, SHERIFF

Supplemental Case Report

- 960925  
CCN  
1872

ON 9-2-96 at 9:15 AM Doug moffitt and Judy wheat came to the jail and reported that her son was in Daviess County Hospital and that the bullet was actually a B-B. They stated that it was laying next to his liver and that they would not remove it. The Doctors stated that it would most likely be ok, they were going to keep the boy over night for observations. I advised Mrs wheat what the boys had stated and that Josh had admitted to doing the shooting.

Mrs wheat stated that the boys all came to her home and stated that Tony had been shot they went to Teddy Holts house and called Doug moffitt and Doug took them to the hospital. On the way through Coogootee they saw their police officer and that's when he notified him.

The B-B Gun was a Daisy Power Line 880 177 Cal pump type.

Investigating Officer

*Tony Dent*



P. O. BOX 704  
BLOOMINGTON, IN 47402  
800.271.8588

SEP 05 1996

LOGOOTEETRIEBUNE

IOI # 960925CCN1872

G69 0134A

Circ: 1,188  
Party: Gas  
Dist: The  
County: Martin  
Page: 10,388

# Shoals Youth injured in B-B Gun accident

An early morning incident first reported as a shooting in Shoals on Labor Day turned out to be an accident involving a B-B gun. According to Chief Deputy Tony Dant, of the Martin County Sheriff's Department, the mishap occurred between 5 and 6 a.m. on Monday, September 2nd. A fifteen year-old Shoals youth was injured, and was reported to have been admitted to the Daviess County Hospital, at Washington.

Dant stated that the youth was going to be kept at the hospital overnight, for observation, since the B-B was adjacent to the boy's liver. His condition, however, was not reported to be serious.

Another Shoals youth admitted to the accidental shooting, which occurred on the West side of the river, adjacent to the train trestle. Several persons had camped out overnight along the riverbank Sunday evening.

The shooting was first reported to the Logoootee Police Department by the victims mother, and a friend, who were enroute via auto to the hospital,

and spotted a Logoootee officer parked along the highway in Logoootee. LPD called the Sheriff's Department, who in turn, also called in the Shoals Deputy Marshall and the Indiana State Police.

Deputy Dant stated that the injured boy was just standing around, and when the youth with the B-B gun pumped it numerous times to build up the air pressure, the gun fired, with the B-B entering the victim's stomach area. The injured youth was some twenty feet from the gun when it fired.

Dant was assisted in the investigations by Jim Doyle, Deputy Town Marshall, and Indiana State Police Trooper Don Smoot.

JAM  
BB-GUN

CHT: SECT 15  
MIS: 32626

JUN 15 1981

1 CASE NO 810518DAL5043	2 INVESTIGATOR'S ID 8 5 5 - 6	3 OFFICE CODE 8 5 5	EPIDEMIOLOGIC INVESTIGATION REPORT
4 DATE OF ACCIDENT 8 1 0 2 1 7	5 DATE INVESTIGATION INITIATED 8 1 0 5 1 8	6 YR MO DAY	

7 Synopsis of Accident or Complaint: On February 17, 1981, a ten year old white male was shot in the neck with a BB gun. The incident occurred in the victim's front yard when the victim and an eight year old male argued over a tricycle. The puncture wound caused major artery damage which required graft and bypass surgery.

8 *2/16/81*

9 LOCATION (Home, School, etc.) Home	10 CITY 1 1 Dallas	11 STATE Texas 4 8
---	-----------------------	-----------------------

12 FIRST PRODUCT BB gun	13 TRADE/BRAND NAME MANUFACTURER & ADDRESS Daisy Brand, Div. Victor Comptometer Corp. Rogers, Arkansas 72756
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14 SECOND PRODUCT None	15 TRADE/BRAND NAME MANUFACTURER & ADDRESS None
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16 AGE OF VICTIM 0 1 0	17 SEX (Use numerical code) MALE : 1 FEMALE : 2 UNKNOWN : 3 1	18 DISPOSITION Admitted 4	19 INJURY DIAGNOSIS Puncture 6 3
---------------------------	---	------------------------------	-------------------------------------

20 BODY PART Neck 8 9	21 RESPONDENT (MOTHER, FRIEND) Mother 0 3	22 TYPE INVESTIGATION ON SITE : 1 TELEPHONE : OTHER : 1	23 TIME SPENT 0 0 7
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24 SOURCE Medical Record 3	25 CASE SOURCE Doctor's Office 9	26 REVIEWED BY 8 1 6 8	27 YR MO DAY 8 1 0 6 0 9
-------------------------------	-------------------------------------	---------------------------	-----------------------------

28 PRE-ACCIDENT:

Information within this report was obtained during an on-site interview with the victim's mother; the victim was out of town with relatives. The BB-gun had since been destroyed; therefore, examination was impossible.

The victim, a ten year old white male, was described as free of any emotional or physical handicaps. The victim did not own a BB-gun; however, his mother had instructed him on the inherent dangers.

The incident occurred at approximately 6:00 p.m. on February 17, 1981. The victim's mother and grandmother were inside their home preparing dinner while the victim and a few neighborhood children played outdoors in the front yard.

29 ACCIDENT:

The victim's grandmother requested that the victim bring his five year old sister's tricycle closer to the house. An argument or fight developed between the victim and an eight year old male neighbor concerning the tricycle.

USE OTHER SIDE AND ADDITIONAL SHEETS IF NECESSARY

15 JUL 1981

The victim's mother stated that within minutes, the victim came into the house and collapsed on the couch saying that he had been shot. A few drops of blood were noted on the victim's neck; an ambulance was called immediately.

It must be noted that the eight year old male was described as the "neighborhood bully." Lacking adult supervision, the eight year old was said to historically engage in violent and abusive behavior.

Information gathered by the victim's mother from her son and other witnesses indicated that the BB gun had been "pumped" at least ten times prior to the shooting. Further discussion indicated that at close range, one to five feet, the eight year old announced his intention and shot the victim in the neck.

#### POST ACCIDENT

As mentioned, an ambulance was called immediately, After admittance to a local hospital, the victim underwent ten hours of surgery and received sixteen pints of blood. Surgery involved repair of a damaged aorta and vertebral artery by graft and artery bypass. Approximately two weeks were spent in the hospital for surgery and recovery at a cost of 11,000.00 The victim's mother stressed that her son was very near death and/or losing his left arm due to the vascular insufficiency. Three months after the incident, recovery appears complete with no apparent permanent damage.

The BB gun itself was destroyed by the eight year old user's father. No other injuries occurred.

#### PRODUCT IDENTIFICATION/INFORMATION

As mentioned, the product was destroyed after the incident. The victim's mother engaged an attorney in an attempt to gain monetary reimbursement for medical expenses incurred by the incident. Therefore, she requested that no contact be made with the user's family.

Product identification and supplemental information is as follows:

1. Manufacturer: Daisy Div. Victor Comptometer Corp., Rogers, Ark.
2. Brand/Model: Daisy Pump BB Gun Model 177
3. Dealer: Unknown
4. Description: It is unknown whether the product was a pistol or rifle. The product could be pumped one or more times before shooting. It is unknown whether the product emits a loud or soft sound when shot. Power source is apparently air.
5. Distance: It was stated that the incident occurred at close

range 1-5 feet. Total distance a projectile could travel is unknown.

6. Age/Supervision: According to this victim's mother, the BB gun was purchased for the eight year old neighbor by the child's father as a gift. There was no adult supervision at the time of the accident. The victim's mother felt that BB guns should not be used by children under 16 years of age without adult supervision.

#### ATTACHMENTS

1. Physician's statement
2. Insurance statement
3. Appendix #53 Toy Guns with Projectiles
4. BB Gun Questionnaire



9ASK# 810518 DAL 5043

EMERGENCY STATEMENT  
ATTENDING PHYSICIAN'S STATEMENT

PLEASE GIVE A SUMMARY OF THE INJURY  
Gun shot wound to left subclavian artery, status post ligation left subclavian at the aortic with ligation of vertebral artery, status post thorax, status post ligation of left vertebral, claudication left arm, vascular insufficiency of left arm with left scapulothoracic muscular atrophy and left forearm atrophy.

PHYSICAL FINDINGS:

TEMP. \_\_\_\_\_ BLOOD PRESSURE \_\_\_\_\_ OTHER PHYSICAL FINDINGS \_\_\_\_\_

DIAGNOSIS OF ILLNESS SEE ABOVE SUMMARY - Gun Shot Wound to neck

IF ADMITTED. ADMITTING DIAGNOSIS Same as above DISCHARGE DIAGNOSIS Same

DATE OF ACCIDENT OR ILLNESS 2 / 17 / 81 PLACE OF TREATMENT [REDACTED]

DATE OF TREATMENTS 2 / 17 / 81  
4 / 16 / 81  
1 / 1

WHAT WAS THE NATURE OF THE EMERGENCY? Gun Shot Wound to Neck

GIVE A SUMMARY OF TREATMENT: Exploration of left neck with drainage of left cervical mediastinal lymphocle. proximal distal carotid saphenous vein in vein interposition graft with graft of artery bypass.

[REDACTED]  
NAME OF PHYSICIAN (PLEASE PRINT) \_\_\_\_\_  
[REDACTED]  
ADDRESS \_\_\_\_\_  
[REDACTED] 75235  
STATE \_\_\_\_\_ DISTRICT \_\_\_\_\_  
DATE 5-6-81



Par 1

APPENDIX 53. TOY GUNS AND OTHER TOY WEAPONS  
WITH PROJECTILES

1. INVESTIGATIVE PROCEDURES. Determine the following:
  - a. Distance the projectile travels. ~~1-2~~ unk
  - b. Possibility of substitute projectiles. unk
  - c. Distance from the victim to the originating source. 1-5 feet
  - d. Noise (loud or soft). unk
  
2. SPECIFIC PRODUCT FACTORS. Describe the following:
  - a. Type of toy (rifle, pistol, machine gun, etc.). unk
  - b. Size and shape of the projectile. BB
  - c. Trigger mechanism. unk
  - d. Power source (spring or (gas)).

RECTANGLE A.

VICTIM'S AGE BASED ON THE NEISS RECORD

18 Years or older

(ASK TO SPEAK WITH THE VICTIM; THEN PROCEED TO 1a.)

Under 18 Years

(ASK TO SPEAK WITH THE VICTIM'S PARENT OR GUARDIAN )

(WHEN CONTACT IS MADE, RECORD THE RESPONDENT'S  
RELATIONSHIP TO VICTIM BY CHECKING THE APPROPRIATE  
BOX BELOW. PROBE IF NECESSARY. THEN PROCEED TO 1a.)

Mother

Father

Other (SPECIFY) \_\_\_\_\_

\* 1a. I understand that recently ( the victim ) was treated at our hospital emergency room for a BB or pellet gun injury. More specifically what type of gun was involved—a BB gun, pellet gun, or other type of gun?

BB Gun

Pellet Gun

BB-Pellet Gun

BB or Pellet Gun—Not sure which

Other Gun (SPECIFY) \_\_\_\_\_

(IF A FIREARM, END QUESTIONING AND THANK RESPONDENT)

Respondent doesn't know what type of gun was involved

(SKIP TO 2a)

Not a Gun (SPECIFY) \_\_\_\_\_

(END QUESTIONING AND THANK RESPONDENT)

Respondent does not know whether a gun was involved or not.

(END QUESTIONING AND THANK RESPONDENT)

1b. Was the gun a pistol or was it a rifle?

Pistol

Rifle

Respondent does not know.

1c. Was a CO<sub>2</sub> (carbon dioxide) or some other gas canister required to shoot the gun?

- Yes (SKIP TO 1f)
- No
- Respondent does not know

1d. Did the gun generally have to be cocked or pumped before shooting it?

- Cocked (SKIP TO 1f)
- Pumped
- Neither cocked nor pumped (SKIP TO 1f)
- Respondent does not know (SKIP TO 1f)

1e. Was it possible to pump it more than once?

- Yes
- No
- Respondent does not know

1f. What was the make and model of the gun?

Make Daisy

Model 177

- Respondent does not know.

2a. How did the injury happen?

810518DAL5043

(RECORD IN THE SPACE BELOW THE RESPONDENT'S NARRATIVE OF THE INCIDENT)

*All report*  
*victim was intentionally*  
*shot in neck*

(PROBE FOR THE IMMEDIATE ACTIVITIES LEADING UP TO THE ACCIDENT, DETERMINING THE ACTIVITIES OF THE VICTIM AND THE PERSON HANDLING THE GUN. RECORD IN THE SPACE BELOW)

(BASED ON THE ABOVE INFORMATION, CHECK THE APPROPRIATE ANSWER BOXES BELOW IN \*2b AND \*2c. DO ADDITIONAL PROBING IF NECESSARY)

\*2b. TYPE OF INCIDENT:

- Shooting
- Non-shooting  
i.e. caught finger,  
hit with gun
- Unknown

\*2c. THE PERSON WHO WAS HANDLING THE GUN WHEN THE INCIDENT OCCURED:

- Victim
- Someone who lives with victim
- Someone who does not live with victim
- Unknown

(IF THE PERSON HANDLING THE GUN IS DEFINITELY AN ADULT, END QUESTIONING AND THANK REpondent. IF UNKNOWN SKIP TO 4b).

2d. When ( the victim ) was injured, about how far away was the gun—less than 5 feet, 5 to 10 feet, or more than 10 feet?

- Less than 5 Feet  
 5 to 10 Feet  
 More than 10 Feet  
 Respondent does not know.

2e. How old is ( the person handling the gun )?

Age: 8 Years or Approximate age:      Years

(IF UNDER 16 YEARS, ENTER AGE ON FLAP)

(IF 16 YEARS OR OLDER, END QUESTIONING AND THANK RESPONDENT)

- Respondent does not know. (ASK RESPONDENT) Can you at least tell me whether that person is under 16 years old or older?
- Under 16 Years Old (ENTER "UNDER 16" ON FLAP)  
 16 Years or Older  
 (END QUESTIONING AND THANK RESPONDENT)  
 Respondent Still Does Not Know

\*3a. Was an adult present when the incident happened?

- Yes, an adult was present.  
 No adult was present.  
 Respondent does not know.

4a. Does the gun belong to ( the person handling the gun )?

- Yes. (SKIP TO 5a)  
 No  
 Respondent does not know. (SKIP TO 5c)

4b. To whom then does the gun belong? \_\_\_\_\_

(BASED ON THE ABOVE INFORMATION, CHECK THE APPROPRIATE BOX BELOW. PROBE IF NECESSARY.)

- Victim
- Someone who lives with victim
- Someone who does not live with victim
- Unknown

(IF THE PERSON THE GUN BELONGS TO IS THE VICTIM, SKIP TO 5a.)  
(IF IT IS DEFINITELY AN ADULT, SKIP TO 5c.)

4c. How old is ( the person the gun belongs to )?

Age: \_\_\_ Years or Approximate Age: \_\_\_ Years

(IF 16 YEARS OR OLDER, SKIP TO 5c)

- Respondent does not know. (ASK RESPONDENT) Can you at least tell me whether that person is under 16 years of age or older?
  - Under 16 years
  - 16 years or older (SKIP TO 5c)
  - Respondent does not know (SKIP TO 5c.)

5a. Can you tell me if ( the person the gun belongs to ) had purchased the gun alone, with the help of an adult, or whether the gun was received as a gift?

- Purchased the gun alone
- Purchased the gun with the help of an adult. (SPECIFY RELATIONSHIP OF ADULT TO VICTIM i.e. parent, guardian, older brother ... AND SKIP TO 5c) \_\_\_\_\_
- Received the gun as a gift (SKIP TO 5c.) FROM FATHER
- Other (EXPLAIN AND SKIP TO 5c.) \_\_\_\_\_
- Respondent does not know (SKIP TO 5c.)

\*5b. Was the gun purchased with the parents' or guardian's permission?

- Yes
- No
- Respondent does not know

5c. How was the gun purchased--through a retail store or through a catalog/mail order firm?

Retail Store (SPECIFY) \_\_\_\_\_

Catalog/Mail Order

Other (SPECIFY) \_\_\_\_\_

Respondent does not know

6a. Before the incident happened, did you feel, generally speaking, that someone 8 years old (SEE AGE IN FLAP AT RIGHT) was capable of handling a BB or pellet gun without adult supervision?

Yes (SPECIFY, AND SKIP TO 6c.) \_\_\_\_\_

No

Respondent does not know

5b. At what age did you then think that a young person was capable of handling a BB or pellet gun without adult supervision?

Age: 16 Years

Respondent does not know

6c. Do you feel differently now, after the incident?

(EXPLAIN) Use of BB guns should be supervised up to 16 years of age. Education as to use & dangers should be given to all users regardless of age.

- 7a. Let me take a few seconds now to quickly review the answers you have provided me.

(DETERMINE WHETHER YOU HAVE CHECKED ANY BOXES WITH A SHADED CHOICE. IF NONE WERE CHECKED, THANK THE RESPONDENT AND END THE QUESTIONING, OTHERWISE, GO OVER THESE QUESTIONS WITH THE RESPONDENT. DETERMINE WHETHER THE RESPONDENT CAN SOMEHOW OBTAIN THAT INFORMATION FOR YOU AND WHEN THE APPROPRIATE TIME MAY BE FOR YOU TO CALL BACK. IF THE RESPONDENT CANNOT OBTAIN THAT INFORMATION, ASK IF HE/SHE CAN REFER YOU TO SOMEONE ELSE WHO CAN PROVIDE YOU WITH THAT INFORMATION. CHECK THE APPROPRIATE ANSWER BOX BELOW)

Respondent will try to get needed information

Convenient call back time: Day \_\_\_\_\_ Hour: \_\_\_\_\_

Respondent cannot provide information and will not give any referral.  
(END QUESTIONING AND THANK RESPONDENT.)

Respondent's referral: (LIST NAME AND TELEPHONE NUMBER ON SEPARATE PAGE. DO NOT INCLUDE THAT INFORMATION ON THE QUESTIONNAIRE.)

Convenient call time: Day \_\_\_\_\_ Hour: \_\_\_\_\_

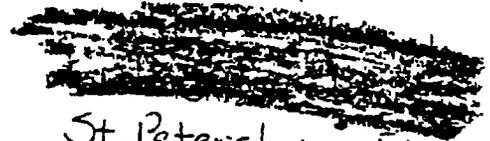
(WHEN CALLING THE RESPONDENT BACK, GO OVER EACH QUESTION WITH A SHADED CHOICE AND FILL IN THE APPROPRIATE ANSWER BOX. WHEN CALLING THE REFERRAL, START WITH THE GENERAL BACKGROUND OF THE STUDY, GO OVER EACH QUESTION WITH A SHADED CHOICE AND FILL IN THE APPROPRIATE ANSWER BOX. THANK RESPONDENT AND END QUESTIONING.)

1237

N830225

March 7, 1988

3



St. Petersburg, FL. 33703

To: Daisy Manufacturing Co.  
P.O. Box 220  
Rogers, Arkansas  
72757-0220

MFR/PRVLR NOTIFIED 3/28/88  
No Comments made  
Comments filed  
Excisions/Revisions  
Firm has not requested further notice  
EPDS  
APR 5 1988

In regard to Model # 870 Wingmaster Remington Soft Air Rifle, I want to express my utmost dissatisfaction with your product. I purchased the product 12/08/87 from a Sears Surplus store for a Christmas present. It did not function properly as followed by the instruction. I then exchanged the gun for another. After using it on 3 occasions, the butt of the gun completely fell off! Your instruction booklet empressees upon the user to use extreme caution with the product. I'd like to impress upon your company it's carelessness in making such an unsafe product. When this gun fell apart it was loaded and ready to fire. Luckily, no one was injured. I will never give Daisy Manufacturing Co. the opportunity to hurt any member of my family or anyone that asks. In opinion of your

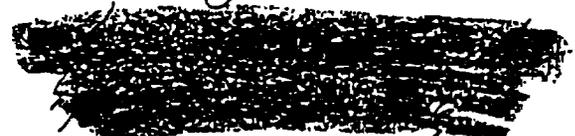


N8<sup>300</sup> 0225

March 7, 1988

Department of Consumer Affairs:  
 Enclosed is a copy of the letter I have sent to Daisy Manufacturing Company. I have written very few complaint letters in my life but this is one I cannot overlook. This gun was not dropped or improperly used in anyway. It just fell apart. I bought this product feeling secure that a company as long standing as Daisy Manufacturing would produce a safe product. I feel very fortunate that no one was hurt when this product fell apart.

Thank-You



St. Petersburg, Florida  
33703

EPDS

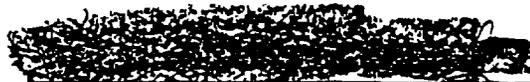
APR 5 1988

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

RECEIVED:

'88 APR 19 P 2:25

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

 4-14-88  
Signature Date

- Do not release my name.
- You may release my name to the manufacturer but not to the general public.
- You may release my name to the manufacturer and to the public.

N 830 225/1237  
04-07-88

Joel I. Friedman  
Director  
National Injury Information  
Clearinghouse

ST. Pete., FL. 33703

April 14, 1988

Dear Mr. Friedman:

I have been overwhelmed by the response to my complaint. Daisy Manufacturing Co. did contact me to discuss this matter. They have tried in every sense to make sure I would be pleased with their company. I accepted another model BB gun, free of charge.

Although I and my family are somewhat more confident in their products, I still feel the same toward the Remington Soft Air Rifle model #870.

Daisy Manufacturing told me on the telephone that the model #870 is no longer being imported, nor has it been listed for a year or so, because of problems of some sort but nothing specific. My response being the gun should be recalled off the market. As I told them I could go to the same Sears Surplus and purchase another if I chose to. I'm sure they are not the only store trying to distribute these guns. They said that would be checked into.

As I stated before, I still feel the Remington Soft Air Rifle is an unsafe product.

Sincerely



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

April 26, 1988

[REDACTED]

St. Petersburg, FL 33703

Re: N830225/1237

Dear Ms. Marsh:

This is in reference to the above document number concerning the complaint you made to the Consumer Product Safety Commission.

All complaints go through a series of review processes by various staff members within the Commission who look for priority areas, special study topics, emerging hazards, etc. Some complaints are selected for follow-up investigation. Because of the volume of incidents reported to us, however, and our limited resources, we can assign only a small portion of these complaints for follow-up investigation.

In reviewing consumer complaints, the staff takes into account several factors before determining what, if any, actions should be recommended. These factors include the nature and severity of the potential injury, the number of products distributed, how long this and similar products have been marketed, and the number of injuries reported related to this product. Factors such as these help the staff determine the likelihood of injury occurring.

While we cannot act on every complaint we receive, the information provided by consumers, together with information from other sources, becomes part of our statistical data bases. These data enable the Commission to detect trends which are considered with other information in determining priorities for future action. These data are also helpful to the staff in deciding if enforcement actions or investigations should be initiated.

If further action is warranted on your particular complaint, you will be contacted.

Sincerely,

bcc: Chron

File #N830225/1237

JIFriedman/v1/4-26-88

Joel I. Friedman

Director

National Injury Information  
Clearinghouse



*Refer to FOWM  
EPDS/FOWM/FOER CF  
TC-23  
N83-0225*

7 APR 1988

STATE OF FLORIDA



**FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**

DOYLE CONNER, COMMISSIONER

\*

MAYO BUILDING

TALLAHASSEE 32399-0800

March 22, 1988

In Reply Refer To:  
88-03-04080/DLD

Daisy Manufacturing Company  
Post Office Box 220  
Rogers, Arkansas 72757-0220

Subject: Ms. Karen L. Marsh

The Division of Consumer Services has received a complaint involving your business and is required by law to review it for possible violations of state consumer protection laws.

After reading the complaint, please state your position by completing and returning the enclosed Business Reply Form. Additional pages may be attached if needed.

It is the policy of this office to protect consumers from unfair and deceptive trade practices as well as to protect businesses from groundless complaints.

Your cooperation will be appreciated.

Sincerely,

(Mrs.) Dianne L. Day  
Senior Consumer Complaint Analyst  
Division of Consumer Services  
904-488-2221

EPDS

APR 5 1988

DLD/cp

Enclosure

cc: Ms. Karen L. Marsh  
706 - 39 Avenue, Northeast  
St. Petersburg, Florida 33703

✓ Consumer Product Safety Commission  
6 World Trade Center, #301  
New York, New York 10048

*1237*

Dept. Of Treasury  
Bureau Of Alcohol, Tobacco & Firearms  
Post Office Box 2994  
Atlanta, Georgia 30370

88-03-04080  
N8<sup>3</sup>0225

March 7, 1988



Department of Consumer Affairs:  
Enclosed is a copy of the letter I have sent to Daisy Manufacturing Company. I have written very few complaint letters in my life but this is one I cannot overlook. This gun was not dropped or improperly used in anyway. It just fell apart. I bought this product feeling secure that a company as long standing as Daisy Manufacturing would produce a safe product. I feel very fortunate that no one was hurt when this product fell apart.

Thank-You

Karen L. Marsh  
706-39 ave. N.E.  
St. Petersburg, Florida  
33703

EPDS

APR 5 1988