

July 15, 2022

Samuel Levine
Director, Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Complaint and Request for Investigation of Daniel Defense LLC

Dear Director Levine,

This Complaint is submitted on behalf of Everytown for Gun Safety, the nation’s largest gun violence prevention organization.

Everytown respectfully requests that the Federal Trade Commission (the “Commission”) use its powers under the Federal Trade Commission Act (“FTC Act”) to investigate and take strong regulatory action with respect to the marketing practices of Daniel Defense, LLC, a privately held gun manufacturer located in Black Creek, Georgia. As set forth below, there is substantial evidence that Daniel Defense has violated, and is violating, the FTC Act by marketing assault weapons to the civilian market with violent and militaristic imagery, unfairly implying that civilians can use their weapons for offensive combat-like missions, and appealing particularly to the thrill-seeking and impulsive tendencies of susceptible teens and young men who are attracted to violence and military fantasies.

Over the past two months, Americans have repeatedly witnessed the devastating consequences when such teenage and young men, armed with assault weapons, act out these violent fantasies. On May 24, 2022, one such shooter used a Daniel Defense AR-15-style rifle, specifically a DDM4 V7 rifle, to commit a horrific school shooting at Robb Elementary School in Uvalde, Texas. Daniel Defense has described this type of rifle as “extremely maneuverable and easy to move around barriers”—a description more apt for combat, as opposed to hunting or target shooting.¹ Over the course of approximately 80 minutes, the 18-year-old shooter used his DDM4 V7 rifle to slaughter 19 children and two teachers and to injure 17 more children.²

¹ Daniel Defense, *Product Spotlight: The DDM4V7*, YouTube (June 6, 2019), https://www.youtube.com/watch?v=W_rY9ctvhrx8&t=129s.

² Reese Oxner & Carla Astudillo, *What we know, minute by minute, about how the Uvalde shooting and police response unfolded* (June 21, 2022), <https://www.texastribune.org/2022/05/27/uvalde-texas-school-shooting-timeline/>; Bill Chappell, Joe Hernandez, & Rachel Treisman, *What we know about the victims of the Uvalde school shooting*, NPR (May 31, 2022),

A review of the content and placement of Daniel Defense’s marketing shows that the company regularly appeals to civilian consumers attracted to violent and militaristic imagery and to what is presented as the thrill and excitement of combat. A sampling of this marketing can be found at pages 7-15. In keeping with this strategy, Daniel Defense also utilizes violent first-person-shooter video games, such as *Call of Duty*, to promote its rifles. (See pages 18-20.) It also appears, based on the content and placement of Daniel Defense’s marketing, that part of the company’s profit strategy is to get children and teens hooked on its products at an early age by using marketing that draws heavily on pop culture themes that are particularly attractive to teens, such as posting an image of the artist Post Malone, standing in front of a liquor cabinet holding a Daniel Defense rifle, with the caption “MK18 got me feeling like a rockstar.” (See pages 21-23.)

While the marketing included herein lacks any obvious reference to civilian self-defense or hunting animals, it *does* contain references and images associated with killing and hunting people. For example, one social media post from 2021 features a person dressed up for Halloween as a murderous guard from the Netflix show *Squid Game* (in which the guards use guns to execute game players), holding a Daniel Defense MK18 rifle, with the caption: “#SquidGame would have been better if they used MK18s.” (See page 22.) In a YouTube video posted by the company in 2017, a group of heavily armed men in military-like garb are seen arriving by helicopter and executing a raid with Daniel Defense assault rifles. (See page 14.) While the video showcases Daniel Defense’s “Military and Law Enforcement Brand” of assault rifles, in reality, these rifles are being promoted to the general public on YouTube and are available for purchase by the general public.

The company’s approach aligns with broader gun industry marketing trends.³ A 2020 study of gun company and influencer content on YouTube and Twitter found

<https://www.npr.org/2022/05/27/1101286508/what-we-know-about-the-victims-of-the-ualde-school-shooting>.

³ In May 2020 and August 2021, Everytown, along with Fred Guttenberg and Brady filed complaints with the FTC, urging the Commission to investigate Smith & Wesson’s marketing practices with respect to its line of “M&P” assault rifles. Both letters can be found at <https://everytownlaw.org/case/everytown-calls-on-the-ftc-to-investigate-smith-wessons-dangerous-assault-rifle-marketing-practices/>. It should be noted that the 21-year-old man accused of perpetrating the July 4, 2022, mass shooting in Highland Park, IL, is alleged to have done so with a Smith & Wesson M&P rifle. See Becky Sullivan, Highland Park suspect confessed to the July 4th shooting, Prosecutors Say, NPR (July 6, 2022), <https://www.npr.org/2022/07/06/1109987663/highland-park-parade-shooting-suspect-robert-crimo-iii>. In addition, the Uvalde shooter purchased a Smith & Wesson M&P rifle on his 18th birthday but is alleged to have kept it in the trunk of his car during the shooting. Reese Oxner et al., *supra* note 2.

that “[m]ilitary, patriotic, and law enforcement themes” were “commonplace,” and “glorification of military gun use were easily found in contemporary gun advertising.”⁴ And the *New York Times* recently reported that, beginning in the 2000s, the gun industry engaged in a campaign to “woo millions of men who liked to buy gear that made them feel like soldiers and the police.”⁵ As the article explains:

Gun companies have spent the last two decades scrutinizing their market and refocusing their message away from hunting toward selling handguns for personal safety, as well as military-style weapons attractive to mostly young men. The sales pitch—rooted in self-defense, machismo and an overarching sense of fear—has been remarkably successful.⁶

Daniel Defense’s marketing does not exist in the abstract. The company markets AR-15-style rifles against the backdrop of decades of mass shooters selecting such rifles as their weapons of choice. But marketing such weapons with military imagery and implying that it is suitable for civilians to use these weapons to engage in offensive, combat-like missions exploits the heightened susceptibility of young people, particularly teenage boys and post-adolescent men, to product advertising, as well as their heightened propensities for risky, and too-often violent, behavior. In short, Daniel Defense preys on at-risk young men to sell an aggressive, hypermasculine, and militaristic fantasy and, by extension, the very real weapons that make a perverted version of that fantasy possible.

For these and other reasons further explained below, we respectfully submit that there is substantial evidence warranting an investigation and strong remedial action with respect to Daniel Defense’s marketing.

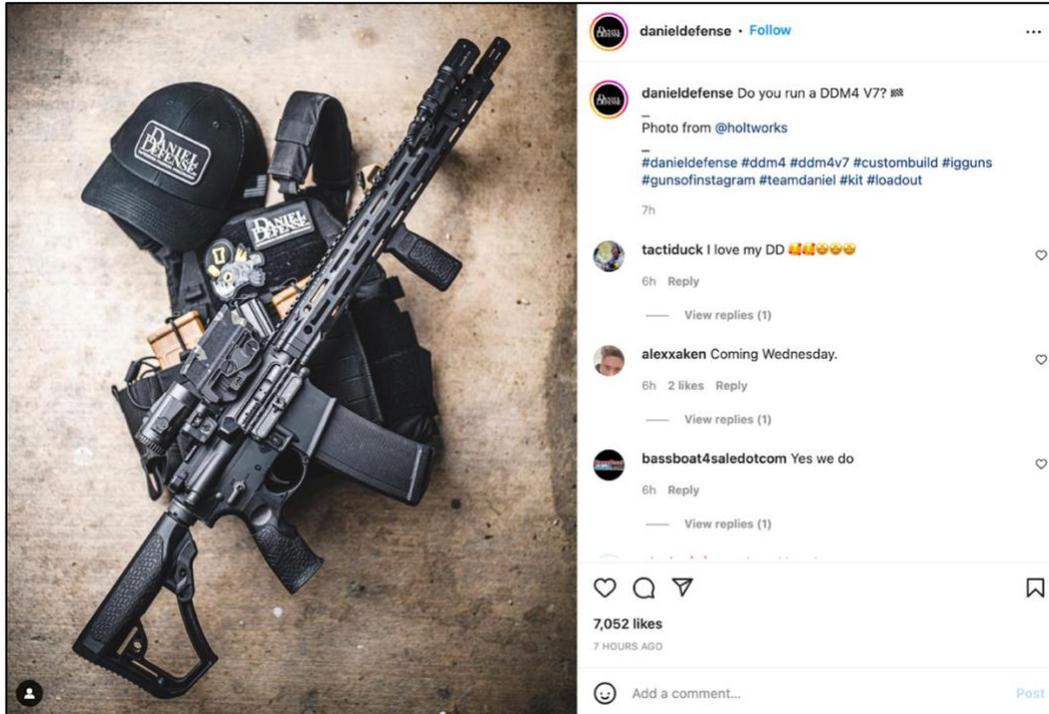
⁴ Lisa Jordan et al., *Characteristics of Gun Advertisements on Social Media: Systematic Search and Content Analysis of Twitter and YouTube Posts*, J. of Med. Internet Research vol. 22,3 e15736. (Mar. 27, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7148552/>. The study identified other common themes in gun advertising including, disturbingly, “[e]xploitation of stranger rape.” *Id.*; see also Aimee Picchi, #Gunporn #pewpew: How gunmakers market firearms to young Americans, CBS News (June 8, 2022), <https://www.cbsnews.com/news/gun-assault-weapons-young-americans-ar-15-gun-control/>.

⁵ Mike McIntire, Glenn Thrush, & Eric Lipton, *Gun Sellers’ Message to Americans: Man Up*, N.Y. Times (June 18, 2022), <https://www.nytimes.com/2022/06/18/us/firearm-gun-sales.html>.

⁶ *Id.*

DANIEL DEFENSE'S MARKETING

On May 24, 2022, Daniel Defense published an Instagram post promoting its DDM4 V7 rifle:⁷



The post included the #loadout, a reference to a set of objects to be carried into battle by a soldier, or, in the parlance of the video game *Call of Duty*, the weapons that a player uses in battle.⁸ That same day, an 18-year-old took a DDM4 V7 rifle that he had purchased on his birthday, brought it to Robb Elementary School and used it to massacre 19 children and two teachers.

In its post, Daniel Defense showed its DDM4 V7 rifle lying on top of a plate carrier, a military-grade form of body armor. To be clear: there is no legitimate reason for a civilian to pair such a semiautomatic rifle with bulletproof body armor. Indeed, several high-profile mass shooters have used this combination to deadly and tragic

⁷ Todd C. Frankel, *Maker of Uvalde shooter's rifle posted image of child with gun before massacre*, The Washington Post (May 26, 2022), <https://www.washingtonpost.com/business/2022/05/26/daniel-defense-ualde-shooting-rifle-photo-tweets/>.

⁸ Collins Dictionary, Definition of Loadout, <https://www.collinsdictionary.com/us/dictionary/english/loadout>; Call of Duty: In-Game Terms, <https://www.callofduty.com/content/atvi/callofduty/warzone/web/nz/strategyguide/basic-training/in-game-terms.html>.

effect, including the perpetrators of the mass shootings in Aurora, Colorado; San Bernardino, California; Boulder, Colorado; and, notably, Buffalo, New York.⁹

The content and placement of Daniel Defense's marketing strongly suggests that the company markets its products, including its AR-15-style rifles, to teenagers and young adults. It does so through, *inter alia*, social media content and print advertising. In particular, Daniel Defense promotes its products heavily on Instagram, which has a user base that skews young.¹⁰ Unlike many other companies that sell age-restricted products and that limit access to their social media content for underage viewers, Daniel Defense does not appear to take any steps to restrict access to its Instagram account by users who are under the legal age for purchasing its products.¹¹ In fact, Daniel Defense's social media posts, such as the now-deleted Twitter post below, make it apparent that the company sees no problem with youth exposure to firearms:

⁹ Becky Sullivan, *Body armor, worn by Buffalo shooter, faces far fewer regulations than guns*, NPR (May 20, 2022), <https://www.npr.org/2022/05/20/1100263364/buffalo-shooter-body-armor-fewer-regulations-than-guns>.

¹⁰ Studies show that Instagram's users in the United States are disproportionately young and that just under three-quarters of all U.S. teenagers use Instagram. See Katherine Schaeffer, *7 facts about Americans and Instagram*, Pew Research Center (Oct. 7, 2021), <https://www.pewresearch.org/fact-tank/2021/10/07/7-facts-about-americans-and-instagram/>; Brooke Auxier & Monica Anderson, *Social Media Use in 2021*, Pew Research Center (Apr. 7, 2021), <https://www.pewresearch.org/internet/2021/04/07/social-media-use-in-2021/>; Statista, *Distribution of Instagram users in the United States as of March 2022, by age group* (Apr. 22, 2022), <https://www.statista.com/statistics/398166/us-instagram-user-age-distribution/>.

¹¹ Daniel Defense has 599,000 Instagram followers, <https://www.instagram.com/danieldefense/?hl=en>; on Facebook, it boasts almost 260,000 followers, <https://www.facebook.com/DanielDefense>; and on YouTube, it has over 65,000 subscribers, <https://www.youtube.com/channel/UC-y0QNNNujtB2PLjrHDwnPg>. Its Twitter account, has over 135,000 followers, <https://twitter.com/DanielDefense>.



Common themes in the company’s marketing include military and combat imagery and content inspired by popular culture. Marketing that draws on these themes enables Daniel Defense to appeal to young male civilian consumers, which can in turn translate to market growth by priming young buyers to purchase AR-15-style rifles as soon as they are legally able.¹² Some illustrative examples of Daniel Defense’s marketing are included in the sections below.

¹² See Aimee Picchi, *#Gunporn #pewpew: How gunmakers market firearms to young Americans*, CBS News (June 8, 2022), <https://www.cbsnews.com/news/gun-assault-weapons-young-americans-ar-15-gun-control/>.

A. Promoting Daniel Defense’s Products as Combat Weapons

Daniel Defense’s marketing frequently depicts apparent military and law enforcement operations and gear, even though publicly-available evidence strongly suggests that the majority of Daniel Defense assault rifle sales are to civilians.¹³ In fact, much of the company’s marketing is done through social media platforms like Instagram, which has a largely civilian audience.¹⁴



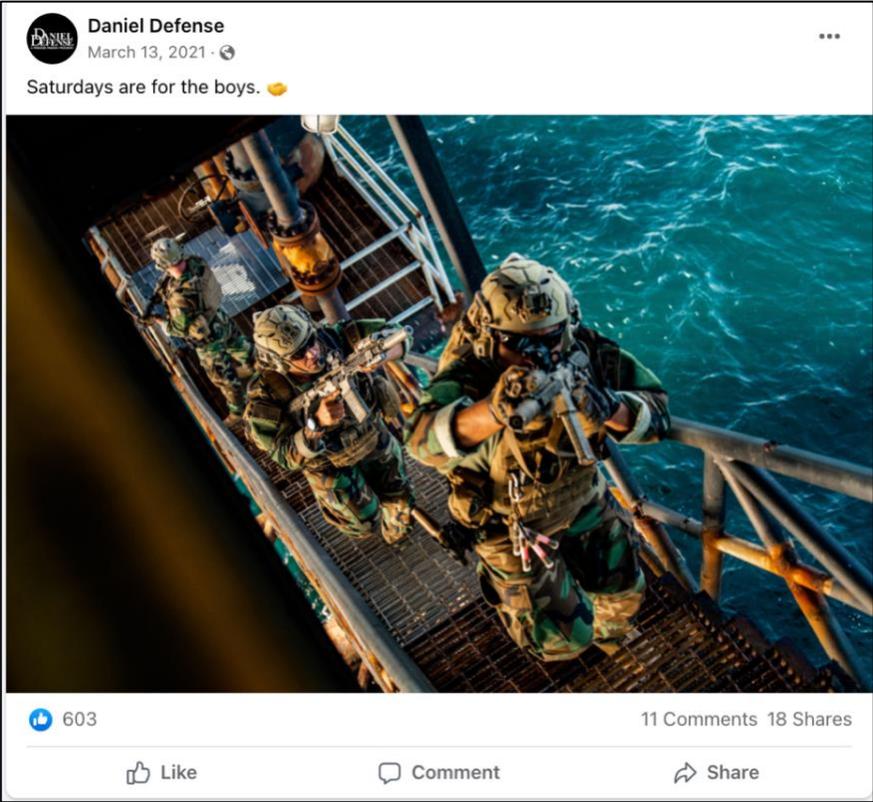
Image from Daniel Defense 2022 print catalog



Instagram (Sep. 27, 2021)

¹³ See e.g., Frequently Asked Questions, <https://danieldefense.com/faq>.

¹⁴ Many of the posts appear to feature actors dressed up as members of the military or law enforcement.



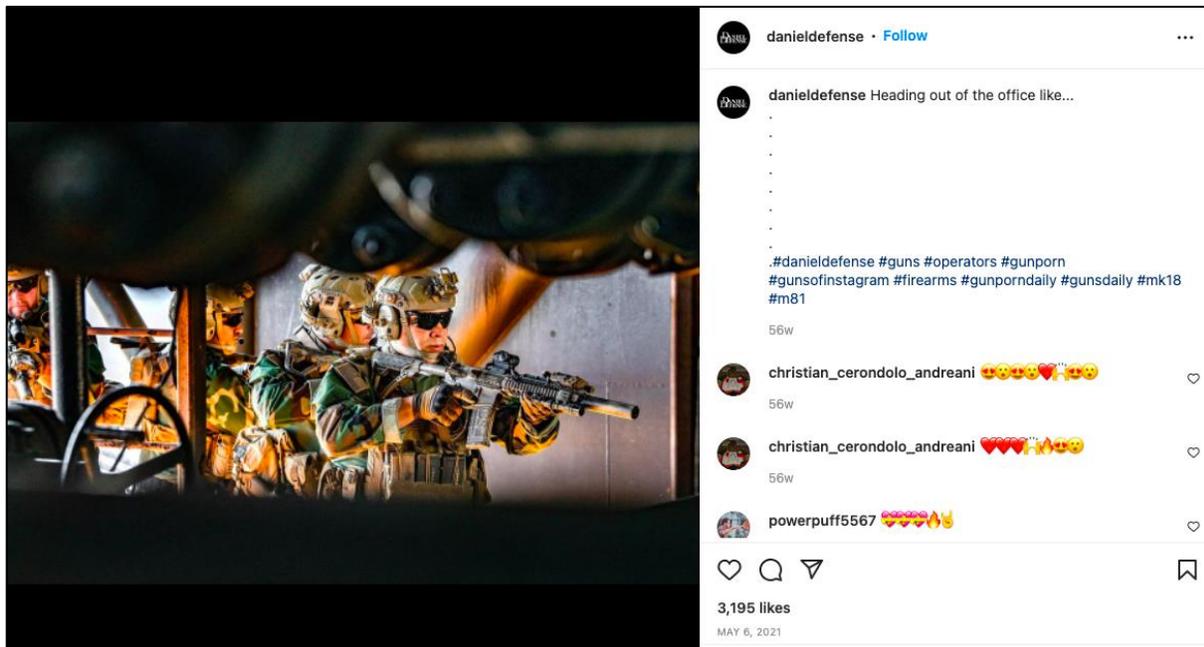
Facebook (Mar. 13, 2021)



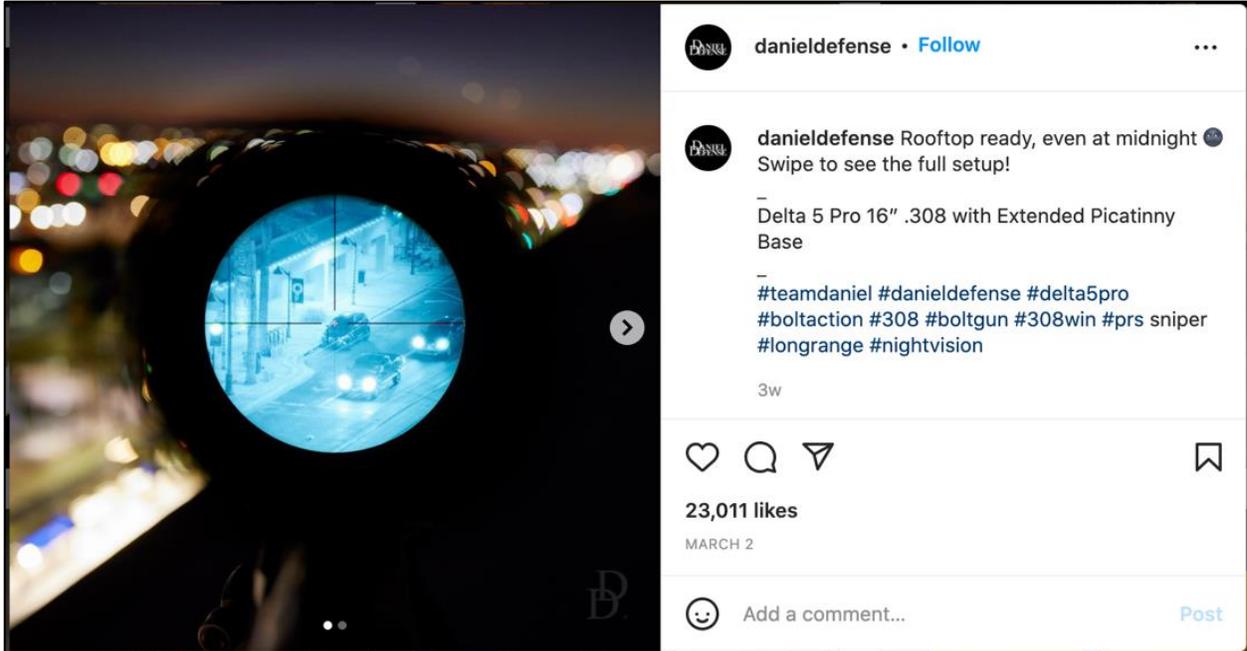
Facebook (Nov. 18, 2019)



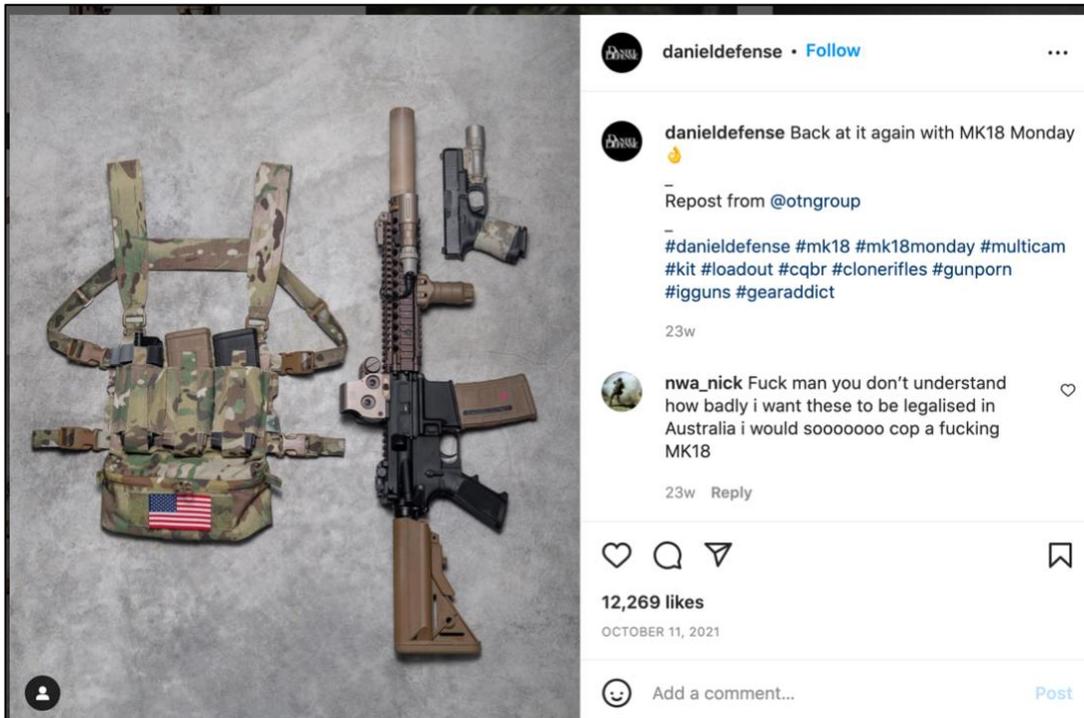
Instagram (June 25, 2021)



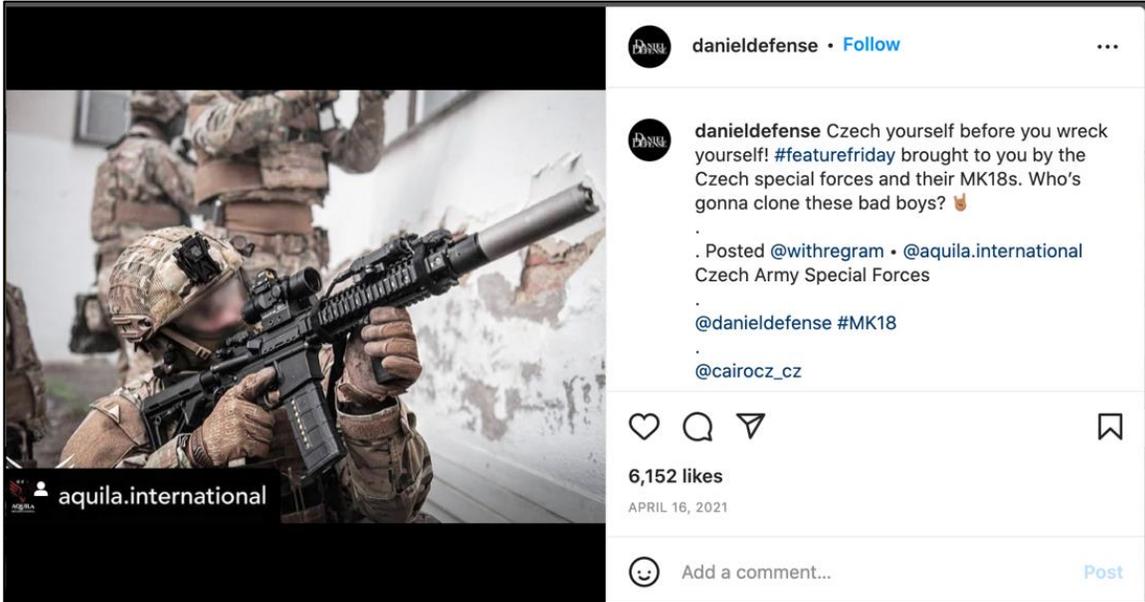
Instagram (May 6, 2021)



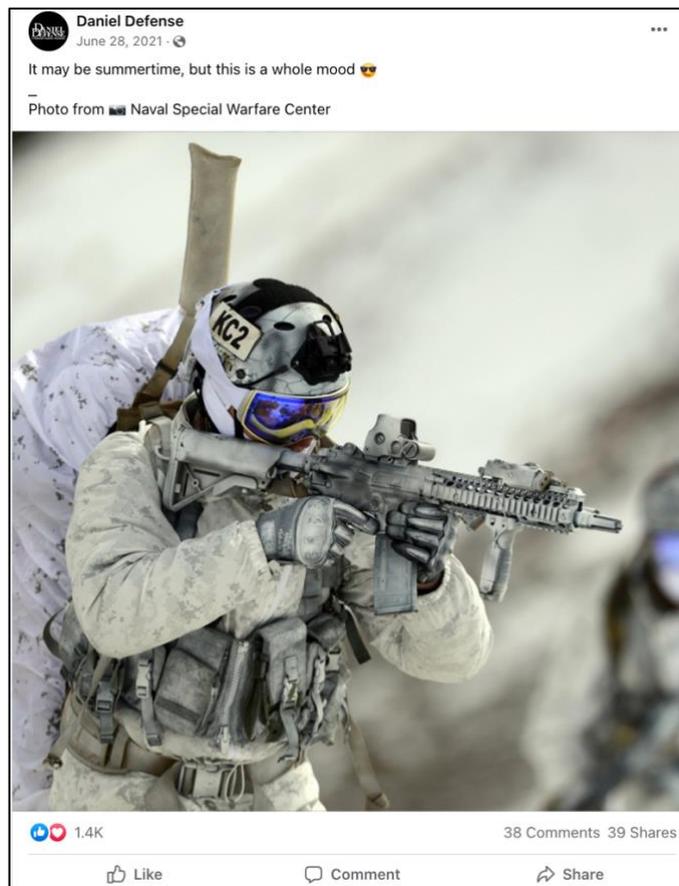
Instagram (Mar. 2, 2022)



Instagram (Oct. 11, 2021)



*Caption reads in part, “Who’s gonna clone these bad boys?”
[Instagram](#) (Apr. 16, 2021)*



[Facebook](#) (June 28, 2021)

In its print advertising, the civilian consumer is encouraged to “use what they use.”

USE WHAT THEY USE.

MMA1 RIS II
Chosen by US Special Operations Command (SOCOM) for the SOPMOD II weapons system

DANIEL DEFENSE
.com

Whether you are patrolling a foreign land, the city streets, or your own home, your rifle can't let you down. Daniel Defense makes the world's best AR15-style rifles. Visit our website to find the perfect model for your needs.

ALWAYS USED IN THE USA

© 2012 Daniel Defense. All Rights Reserved. Digital photo courtesy of U.S. Dept. of Defense

find us on   

Print advertisement available on [Facebook](#) (May 30, 2012)



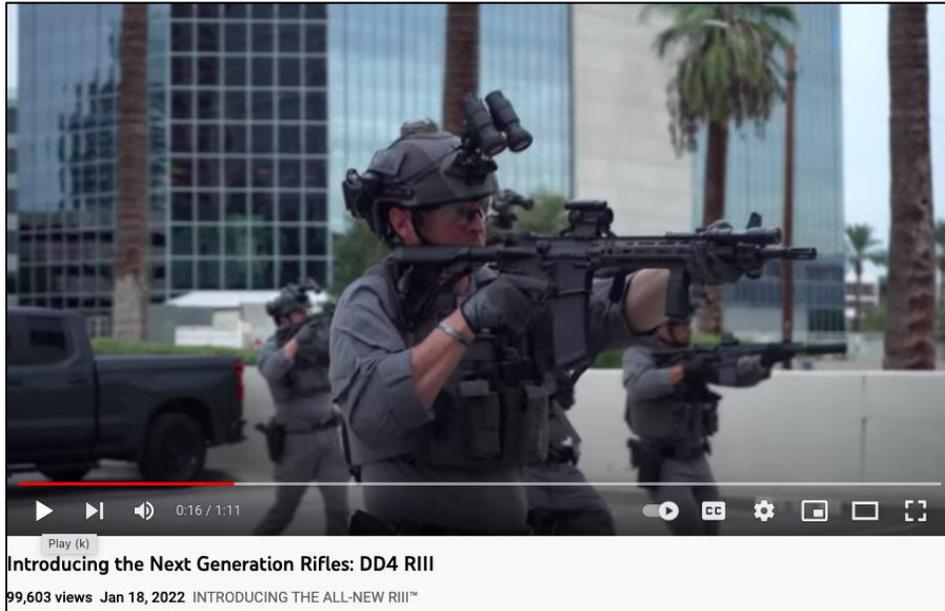
Print advertisement available on [Facebook](#) (April 26, 2012)

Along with social media content and print advertisements, Daniel Defense has produced videos depicting (fictional) military service members using its weapons. Hallmarks of these videos, two of which are highlighted here, include music scores, camera work, and choreographed sequences that call to mind big-budget action films.

For instance, Daniel Defense recently introduced a “revolutionary” new rifle that pairs the company’s “DD4 lower receiver” with its rail system “modeled after the proven RIS II developed for SOCOM.”¹⁵ While Daniel Defense does sell its rail system to the U.S. Special Operations Command, the pitch assumes that the targeted civilian consumer understands, without being told, that “SOCOM” stands for “Special Operations Command.” The announcement arrived with a slick video promotion, posted on the company’s website and on YouTube. The video intercuts footage of a

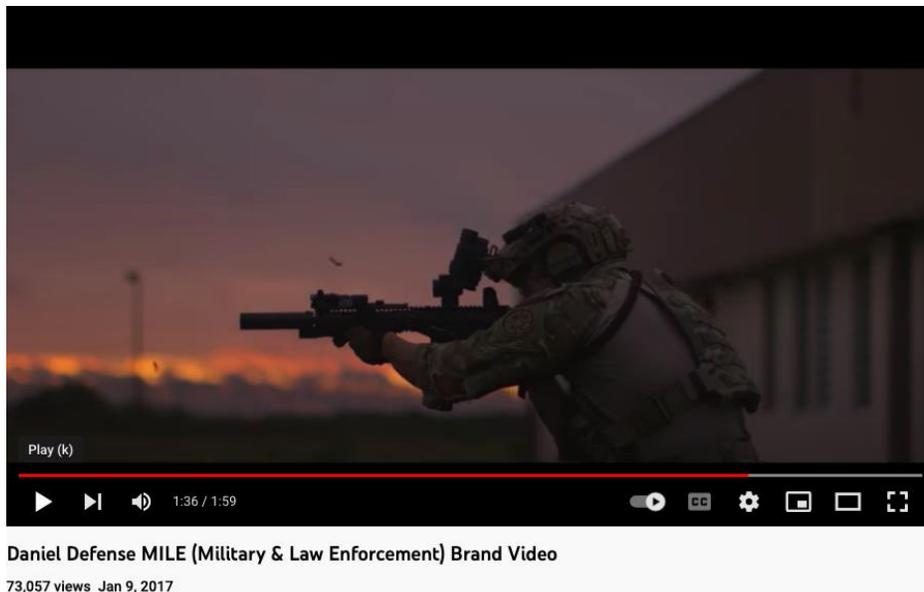
¹⁵ Daniel Defense, *Introducing the All-New RIII*, <https://danieldefense.com/riii> (last accessed June 9, 2022); see also Michael Daly, *Uvalde Shooter’s Gunmaker Hypes ‘Revolutionary’ New Killing Machine*, *The Daily Beast* (June 8, 2022), <https://www.thedailybeast.com/uvalde-shooter-salvador-ramos-gunmaker-daniel-defense-hypes-revolutionary-new-killing-machine?ref=home>.

civilian target shooter with footage of what appears to be an armed military team moving in formation, all set to a pounding rhythm.



Still image from Daniel Defense promotional video. [YouTube](#) (Jan. 18, 2022)

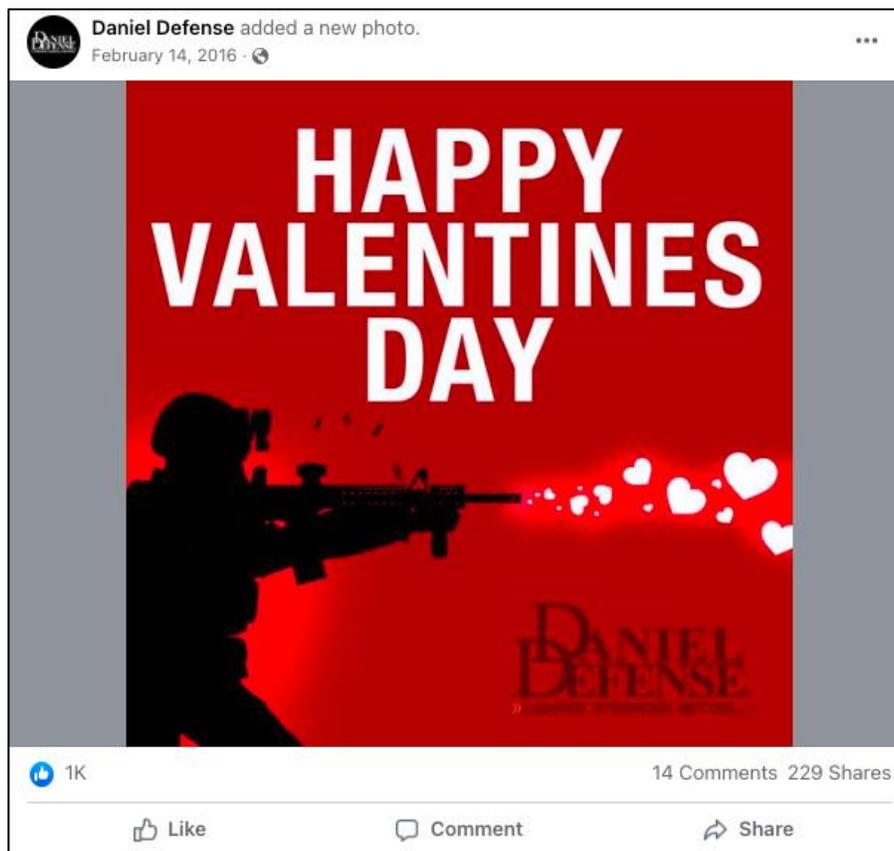
Similarly, the video below – which Daniel Defense posted on YouTube – portrays a military raid on an abandoned building. It features sweeping shots of a dramatic helicopter arrival, professional stunt work, an American flag patch on a generic soldier’s arm, and suspense-building soundtrack, all in the name of promoting Daniel Defense’s rifles as military-grade weapons available to civilians.



Still image from Daniel Defense promotional video. [YouTube](#) (Jan. 9, 2017)

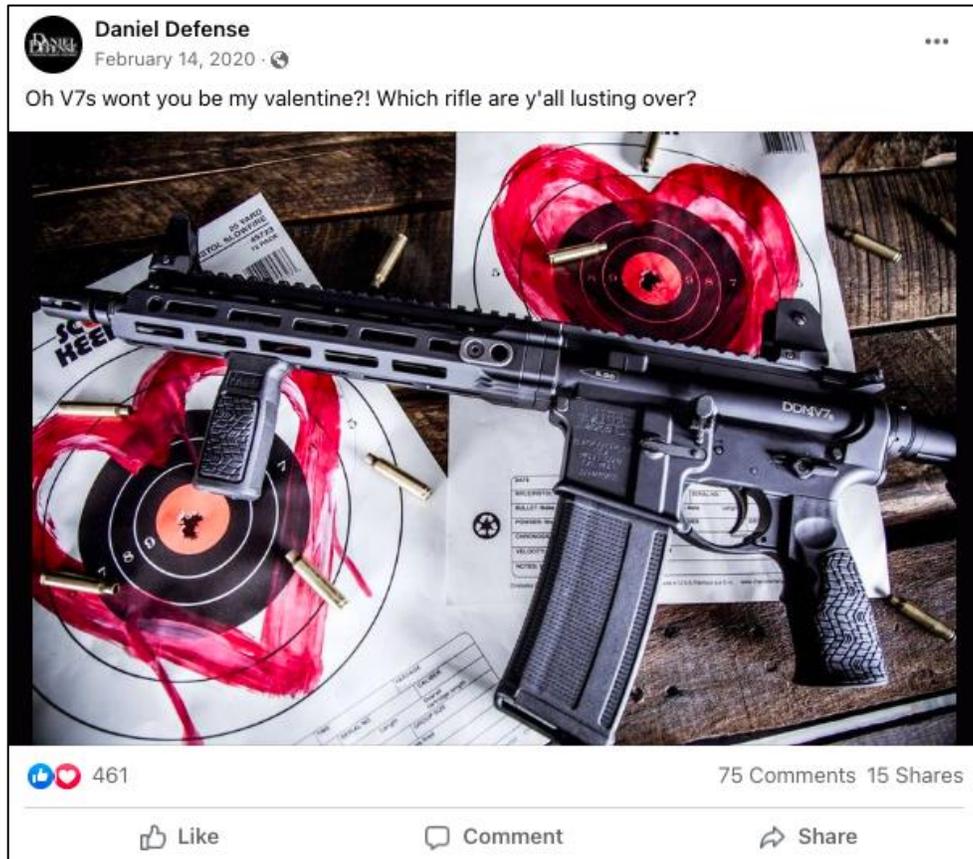
Such marketing suggests that Daniel Defense has chosen to aggressively market its rifles so that consumers will associate them with the military and offensive combat-like operations. The company's strategy appears in part to be to position itself as a purveyor of weapons trusted by real-life soldiers, thereby making the military aspirations, or fantasies, held by many civilian consumers—and particularly young male consumers—seem achievable. For a young consumer who is attracted to the excitement and risk of combat and susceptible to suggestive marketing, Daniel Defense offers a taste of the military experience—and the suggestion, based on the marketing's placement and content, that the company's weapons can be used by civilians for offensive, military-like missions. As detailed further below, we believe such marketing violates the FTC Act.

Daniel Defense's reliance on militaristic imagery even extends to its Valentine's Day marketing, such as the post below, which shows a silhouette of a soldier shooting an assault rifle,



[Facebook](#) (Feb. 14, 2016)

Daniel Defense’s Valentines’ Day marketing also employs imagery of target shooting featuring hearts that are hand painted onto targets with what could be red paint or blood:



[Facebook](#) (Feb. 14, 2020)

Such marketing is especially troubling in light of the connection between domestic violence, misogyny and gun violence, including mass shootings.¹⁶ In another recent and notable Instagram post, Daniel Defense re-published the message of a user who blatantly linked proficiency in shooting AR-15-style rifles with “masculinity” and power. This post features the shooter wearing a ballistic helmet, night-vision gear, a gas mask, and a plate carrier—a combination that has no legitimate use in the civilian market.

¹⁶ Everytown, *Misogyny, Extremism, and Gun Violence* (Jan. 13, 2022), <https://everytownresearch.org/report/misogyny-extremism-and-gun-violence/#the-role-of-firearms-in-acts-of-violent-misogyny>.

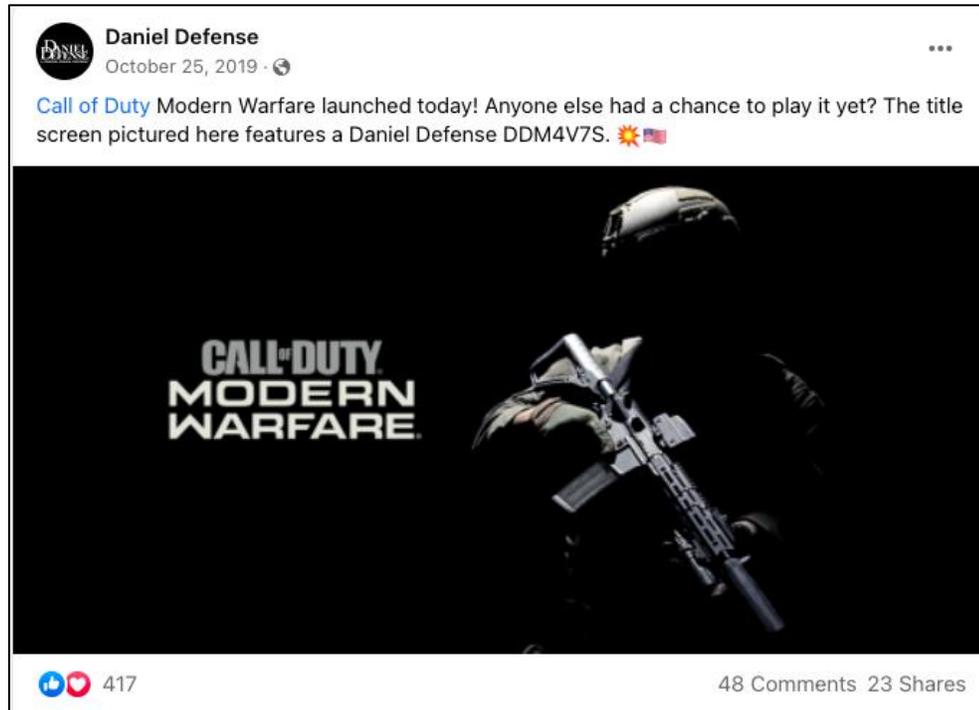


Caption, which is partially obscured in the screengrab above, reads, in part: “When will we realize as a collective that there is nothing glamorous, enticing, or desirable about being powerless? Masculinity is NOT a toxic social concept that weakens the mind, body or spirit. . . Be deliberate, meticulous and calculated in your thoughts and actions. I will be ramping it up, enhancing my proficiency. You should too. Or don’t and suffer the consequences. Everything has a price. What are you willing to pay?” [Instagram](#) (Apr. 30, 2021)

* * *

B. Promoting Weapons through First-Person-Shooter Video Games

Daniel Defense also publishes social media content that references the *Call of Duty* video game franchise. For example, according to the Facebook post below, the Daniel Defense DDM4 V7S rifle is featured in the cover art for *Call of Duty: Modern Warfare*:



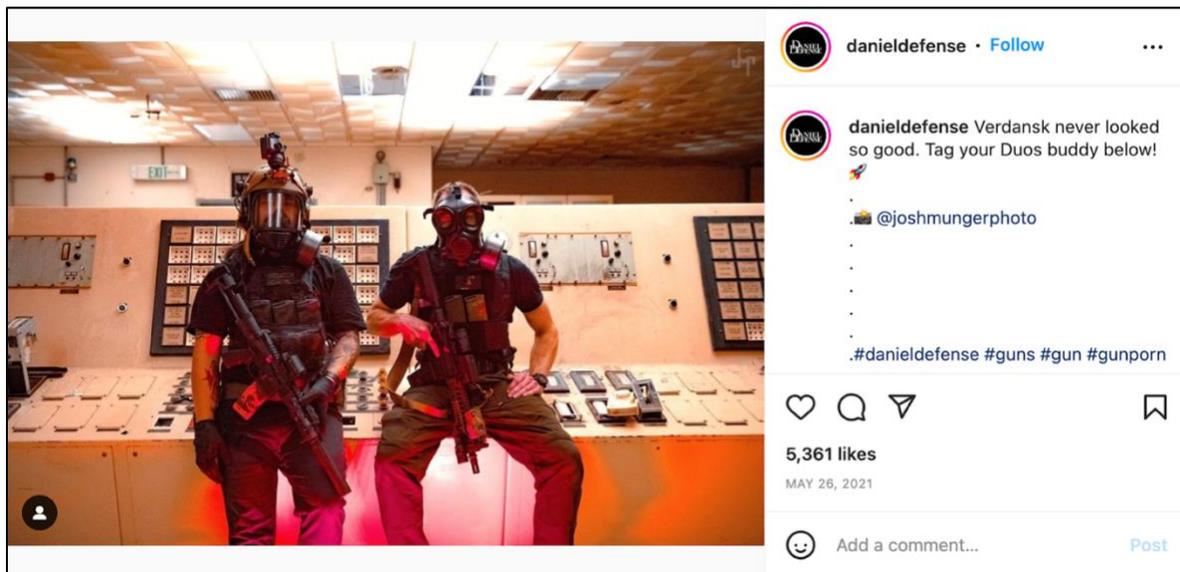
[Facebook](#) (Oct. 25, 2019)

As seen below, Daniel Defense also uses hashtags such as #callofduty and #cod to make its *Call of Duty* references on social media more explicit.¹⁷

¹⁷ See, e.g., Daniel Defense Instagram posts dated September 28, 2021 (<https://www.instagram.com/p/CUX4q0BJ3UV/>) and November 19, 2020 (<https://www.instagram.com/p/CHygY-el9GD/>).



Caption reads: “The circle is closing...,” a reference to an obstacle called “Circle Collapse” that occurs in Call of Duty: Warzone. [Instagram](#) (June 7, 2021)



Caption reads: “Verdansk never looked so good. Tag your Duos buddy below!” “Verdansk” is the name of a fictional city in the Call of Duty franchise.¹⁸ “Duos” is a term referring to a pair of people who play a video game together in a specific “duos” game mode. [Instagram](#) (May 26, 2021)

¹⁸ Verdansk, CallofDuty.com (accessed on June 6, 2022), <https://www.callofduty.com/warzone/strategyguide/tac-map-atlas/verdansk-north>.

Daniel Defense’s promotional material referencing *Call of Duty* appears to be aimed at appealing to young consumers, some of whom are perversely excited by and attracted to reenacting the video game experience in real life. First-person shooter video games like *Call of Duty* are popular among teenagers and young adults, including the Uvalde, Highland Park, Parkland, and El Paso mass shooters.¹⁹ A 2017 survey conducted by the *Washington Post* and the University of Massachusetts-Lowell showed that 89% of males between the age of 14-21 have watched or played competitive online video games, and that *Call of Duty* was by far the most popular game among gamers between the ages of 14 and 21:²⁰

Which online competitive video game do you play the most?		
	Adults	Teens/Young adults
Call of Duty/Black Ops	12%	24%
Grand Theft Auto	6	17
Overwatch	5	7
Battlefield One	5	7
Minecraft	1	5
League of Legends	7	4
FIFA	5	4
Super Smash Bros	2	4
Battlegrounds	2	3
World of Warcraft	2	3
Counter Strike	1	2
Destiny	2	1
NBA 2K	2	1
Hearthstone	1	1
Rainbow Six	1	1
Rocket League	1	1
MLB: The Show	*	1
Paladins	0	1
Halo	2	*
Madden NFL	2	*
Mario Kart	2	*
Dota	1	*
Street Fighter	1	*
Gears of War	2	0
Mortal Kombat	1	0
Other*	25	12
No opinion	6	1

*Other included any game that didn't total at least 1 percent

¹⁹ See Nicholas Bogel-Burroughs, *The Texas gunman had few friends in high school, classmates say*, N.Y. Times (May 25, 2022), <https://www.nytimes.com/2022/05/25/us/texas-shooting-gunman-bullied.html>; *Video games and violence, explained*, The Week (Sep. 15, 2019), <https://theweek.com/articles/864451/video-games-violence-explained>; Megan O’Matz, *Violent video games may have primed the Parkland school shooter*, South Florida Sun-Sentinel (Apr. 29, 2019), <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-ne-nikolas-cruz-mental-health-services-20190425-story.html>; Patrick Reilly, *Highland Park gunman Robert Crimo posted Call of Duty clips showing characters shooting from rooftops*, *New York Post* (July 6, 2022), <https://nypost.com/2022/07/06/robert-crimo-posted-call-of-duty-clips-of-characters-shooting-from-rooftops/>.

²⁰ Emily Guskin, *Teenagers are fueling a competitive gaming tidal wave*, *Washington Post* (Mar. 9, 2018), <https://www.washingtonpost.com/news/sports/wp/2018/03/09/teenagers-are-fueling-an-e-gaming-tidal-wave/>.

C. Marketing That Draws on Pop Culture to Draw in Young Consumers

Daniel Defense also publishes content referencing pop culture characters and themes, in an apparent attempt to attract younger audiences who it can then expose to militaristic marketing.²¹ Although many consumer brands draw on pop culture to appeal to young consumers, Daniel Defense uses this strategy to sell lethal weapons.

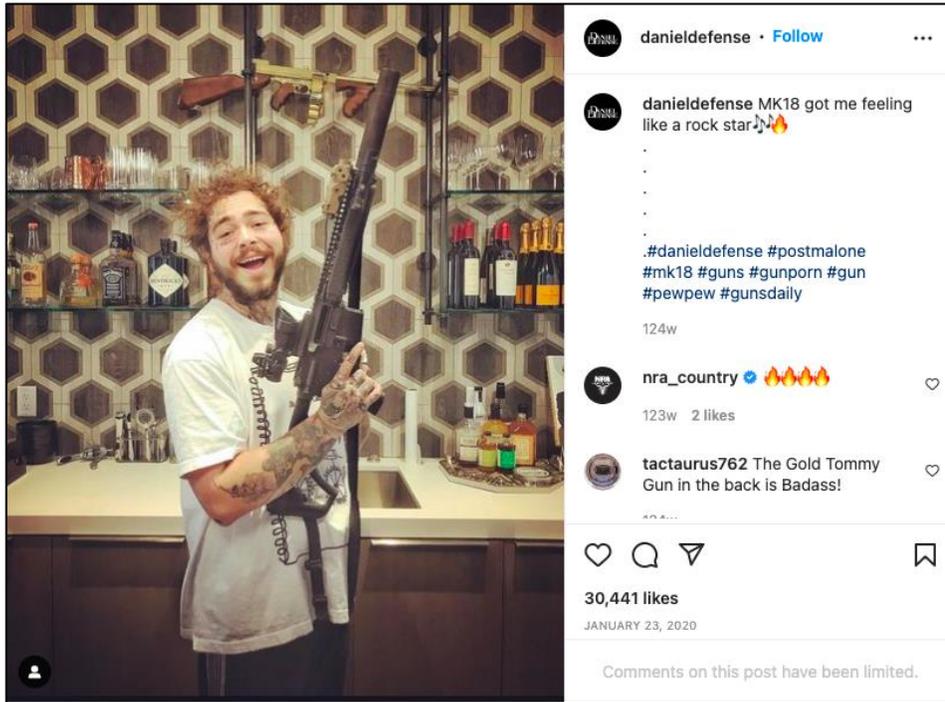


Image of Post Malone, a popular musician and producer, holding a Daniel Defense rifle, with the caption “MK18 got me feeling like a rockstar.” [Instagram](#) (Jan. 23, 2020)

²¹ See *New Study Shows Culturally Relevant Brands Are More Relevant to Consumers*, AdAge (Oct. 1, 2019) (“Brand involvement in culture is especially important among consumers between the ages of 18 and 35, and those on Twitter versus the general population are more passionate, informed and feel more strongly about brands aligning with culture.”), <https://adage.com/article/twitter/brands-culture-twitter-impact/2200401>.



Individual dressed as a guard from Squid Game, a hyperviolent Netflix show. [Instagram](#) (Oct. 31, 2021)



DDM4 V7 rifle paired with a Star Wars mask and Hawaiian print shirt, the latter of which is a symbol for the extremist boogaloo movement.²² [Instagram](#) (Feb. 12, 2020)

²² Nathan Taylor Pemberton, *What Do You Do When Extremism Comes for the Hawaiian Shirt?*, N.Y. Times (June 29, 2020), <https://www.nytimes.com/2020/06/29/style/boogaloo-hawaiian-shirt.html>.



Instagram (Dec. 27, 2021)

Daniel Defense’s youth-oriented and pop-culture-infused marketing is consistent with trends within the broader gun industry. The National Shooting Sports Foundation (“NSSF”)—an industry trade group with ties to Daniel Defense²³—has for years promoted shooting sports to children in order to increase profits for the gun industry.²⁴ For example, the NSSF advises the use of peer pressure and gateway products to get younger people shooting:

Although peer pressure and influence are often thought of in a negative context, such influence can often mean a

²³ NSSF, *NSSF Welcomes Marty Daniel to Board of Governors*, <https://www.nssf.org/articles/nssf-welcomes-marty-daniel-to-board-of-governors/> (last accessed June 9, 2022); *NSSF Membership – Why Join NSSF?*, <https://www.nssf.org/membership/why-join-nssf/>.

²⁴ See e.g., NSSF, *Getting Youth Involved*, Plus One Movement (“Our youth is the future of shooting sports so it’s important to get them involved and keep them involved. It’s important to get youth involved because it increases the number of members in the shooting sports...”), <https://www.nssf.org/plusone/>; Responsive Management National Shooting Sports Foundation *Hunting, Fishing, Sport Shooting, and Archery Recruitment, Retention, and Reactivation: A Practitioner’s Guide* (2017) (“[One] approach is to reactivate parents in their mid-30s to early-40s and subsequently let them recruit their children.”).

positive effect on youth. Earlier research on peer involvement in hunting and target shooting . . . suggests that getting youth talking about hunting and target shooting in a way that promotes the sports as “cool” activities may help to increase the likelihood of participation among youth.

[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.²⁵

As discussed below, the promotion of potentially deadly products to young people, many of whom are more prone to impulsive, risky and thrill-seeking behavior can have dangerous and devastating consequences.

The Importance of Responsible Marketing for Deadly Products

The Daniel Defense marketing catalogued in the preceding pages does not exist in the abstract. It occurs at a time of increasing mass shootings committed with AR-15-style assault rifles. This section first provides a background on AR-15-style rifles, and explains that they are often the weapon of choice for perpetrators of the deadliest mass shootings. It then outlines the risks of marketing potentially deadly products to adolescents and young adults, and shows how the Uvalde shooter fits the profile that made him particularly susceptible to deceptive and/or unfair firearms marketing.

A. AR-15-Style Military-Inspired Rifles Are Often the Weapon of Choice for Young, Male Perpetrators of Highly Destructive Mass Shootings

The first AR-15 rifles were designed by Armalite for the U.S. military.²⁶ Armalite’s goal was to create a lightweight, portable rifle that would allow

²⁵ Hunting Heritage Trust & NSSF, *Understanding the Impact of Peer Influence on Youth Participation in Hunting and Target Shooting* at xix-xxii, 1-5 (2012), https://nssf.force.com/CPBase_item?id=a13150000079w1HAAQ; see also NSSF, *Understanding Activities that Compete with Hunting and Target Shooting* at i, vii (2011), https://nssf.force.com/CPBase_item?id=a13150000079w1FAAQ.

²⁵ *Id.* at vii.

²⁶ Jennifer Mascia, *What Is an AR-15 Rifle, Exactly?*, The Trace (June 7, 2022), <https://www.thetrace.org/2022/06/ar15-rifle-assault-weapon-ban/>. The “AR” in “AR-15” stands for “Armalite.”

combatants to quickly put many rounds on a target from distances of 500 yards.²⁷ Armalite ultimately sold its design to Colt Manufacturing, which began producing select-fire AR-15 rifles for the military (renamed the M16, and eventually leading to the shorter-barreled M4 variant) and semiautomatic versions for civilians.²⁸ Thus, AR-15-style rifles sold in the civilian market, including Daniel Defense’s models, are based on military rifles designed to kill enemies on the battlefield.

Daniel Defense currently manufactures and sells over two dozen models of rifles, including 19 models of AR-15-style rifles and six large-caliber models of semiautomatic AR-10-style rifles. The DDM4 V7 rifle comes equipped with a high-capacity, 32-round magazine.²⁹ Daniel Defense has explained that the “M4” in “DDM4 V7” is a nod to the “iconic M4 carbine used by rifles U.S. military forces,” after which Daniel Defense models its DDM4 rifles.³⁰

In addition to their high rates of fire, AR-15-style rifles like the DDM4 V7 discharge rounds that travel much faster than handgun bullets. This translates to more lethal damage to the human body. While handgun bullets typically travel in a linear path through the body and create relatively small entry and exit wounds, AR-15 rounds hit the human body with such velocity that they can shred organs, kill large swaths of tissue, and leave exit wounds “the size of an orange.”³¹ A Uvalde pediatrician who responded to the shooting has described two children whose bodies had been “pulverized” and “decapitated.” The bodies of several victims, disfigured beyond recognition, were identified by their DNA; one 10-year-old victim’s body was identified based on her green Converse sneakers.³²

²⁷ Tim Dickinson, *How the AR-15 Became Mass Shooters’ Weapon of Choice*, Rolling Stone (Feb. 22, 2018), <https://www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/>.

²⁸ James Dao, *Aurora Gunman’s Arsenal: Shotgun, Semiautomatic Rifle and, at the End, a Pistol*, N.Y. Times (Jul. 23, 2012), <https://www.nytimes.com/2012/07/24/us/aurora-gunmans-lethal-arsenal.html>.

²⁹ Daniel Defense, *DDM4 V7*, <https://danieldefense.com/ddm4-v7.html>; *DD Magazine*, <https://danieldefense.com/dd-magazine.html> (both last accessed June 8, 2022).

³⁰ Daniel Defense, *Comparing the Features of the Daniel Defense Rifle Line*, <https://danieldefense.com/wire/firearm-features> (last accessed June 8, 2020).

³¹ Heather Sher, *What I Saw Treating the Victims From Parkland Should Change the Debate on Guns*, The Atlantic (Feb. 22, 2018), <https://www.theatlantic.com/politics/archive/2018/02/what-i-saw-treating-the-victims-from-parkland-should-change-the-debate-on-guns/553937/>.

³² Nicholas Bogel-Burroughs, *An Uvalde pediatrician says he will ‘never forget what I saw’ after the shooting*, N.Y. Times (June 8, 2022), <https://www.nytimes.com/2022/06/08/us/uvalde-pediatrician-shooting.html>; Jaclyn Diaz, *The story of a Uvalde victim's green shoes captures the White House's attention*,

Of the 10 most destructive mass shootings committed in the United States between January 2012 and the present—that is, the 10 mass shootings with the highest counts of gunshot injuries and deaths in the last decade—70 percent (seven total) were perpetrated by male shooters between the ages of 18 and 26.³³ This is disproportionate to the percentage of the United States population represented by this age group. For comparison, people of all genders aged 18 to 26 comprise only 12 percent of the U.S. population.³⁴

Of those seven shootings, six involved the use of an AR-15-style rifle, including the Uvalde shooting:

- a. Aurora, Colorado: A 24-year-old male shooter killed 12 people and injured 70 on July 20, 2012, using, among other firearms, a Smith & Wesson M&P15 rifle³⁵;

NPR (June 7, 2022), <https://www.npr.org/2022/06/07/1103577387/matthew-mcconaughey-green-converse-shoes-sneakers-ualde-maite-rodriguez>.

³³ As used here, the term “mass shooting” designates a shooting in which at least four people were killed, excluding the shooter. The referenced list of the 10 most destructive mass shootings committed between January 2012 and the present is as follows: (1) the Las Vegas, Nevada shooting on October 1, 2017 (60 killed, 411 injured); (2) the Orlando, Florida shooting on June 12, 2016 (49 killed, 53 injured); (3) the Aurora, Colorado shooting on July 20, 2012 (12 killed, 70 injured); (4) the El Paso, Texas shooting on August 3, 2019 (23 killed, 23 injured); (5) the Sutherland Springs, Texas shooting on November 5, 2017 (25 people killed, including a pregnant woman, and 20 injured); (6) the Uvalde, Texas shooting on May 24, 2022 (21 killed, 17 injured); (7) the San Bernardino, California shooting on December 2, 2015 (14 killed, 22 injured); (8) the Parkland, Florida shooting on February 14, 2018 (17 killed, 17 injured); (9) the Highland Park, Illinois shooting on July 4, 2022 (7 killed; 46 injured); (10) the Newtown, Connecticut shooting on December 14, 2012 (27 killed, two injured).

³⁴ Everytown calculated the relevant population percentage based on the 2019 data in the data set titled *Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States: April 1, 2010 to July 1, 2019* and provided by the U.S. Census Bureau. The data set is available at <https://www.census.gov/data/tables/time-series/demo/popest/2010s-national-detail.html>.

³⁵ James Dao, *supra* note 28; Ann O’Neill, *Theater shooter Holmes gets 12 life sentences, plus 3,318 years*, CNN (Aug. 27, 2015), <https://www.cnn.com/2015/08/26/us/james-holmes-aurora-massacre-sentencing/index.html>; Julia Jacobo, *A look back at the Aurora, Colorado movie theater shooting 5 years later*, ABC News (Jul. 20, 2017),

- b. Newtown, Connecticut: A 20-year-old male shooter killed 27 people and injured two more, first in his home and then at an elementary school, on December 14, 2012, using a Bushmaster XM15-E2S rifle³⁶;
- c. Sutherland Springs, Texas: A 26-year-old male shooter killed 25 people, including a pregnant woman, and wounded 20 more in Sutherland Springs, Texas on November 5, 2017, using a Ruger AR-556 rifle³⁷;
- d. Parkland, Florida: A 19-year-old male shooter killed 17 people and injured 17 more in Parkland, Florida, on February 14, 2018, using a Smith & Wesson M&P15 rifle;³⁸
- e. Uvalde, Texas: An 18-year-old male shooter killed 21 people and injured 17 more, at his grandparents' home and at Robb Elementary School, on May 24, 2022, using a Daniel Defense DDM4 V7.³⁹
- f. Highland Park, Illinois: A 21-year-old male is alleged to have killed 7 people and injured 46 more at a parade on July 4, 2022, using a Smith & Wesson M&P15 rifle.⁴⁰

<https://abcnews.go.com/US/back-aurora-colorado-movie-theater-shooting-years/story?id=48730066>.

³⁶ *Sandy Hook Shooting Fast Facts*, CNN (Nov. 22, 2019), <https://www.cnn.com/2013/06/07/us/connecticut-shootings-fast-facts/index.html>.

³⁷ Adam Goldman et al., *Texas Church Shooting Video Shows Gunman's Methodical Attack, Official Says*, The N.Y. Times (Nov. 8, 2017), <https://www.nytimes.com/2017/11/08/us/texas-shooting-video-devin-kelley.html>.

³⁸ Bart Johnson, *Florida shooting suspect bought gun legally, authorities say*, USA Today (Feb. 15, 2018), <https://www.usatoday.com/story/news/2018/02/15/florida-shooting-suspect-bought-gun-legally-authorities-say/340606002/>.

³⁹ Bill Chappell et al., *supra* note 2; Michael Daly, *supra* note 15.

⁴⁰ *7th Person Dies Day After Highland Park Parade Mass shooting*, NBC Chicago (July 5, 2022), <https://www.nbcchicago.com/news/local/7th-person-dies-day-after-highland-park-parade-mass-shooting/2873971/>; Sullivan, *supra* n. 3. The seventh mass shooting in this category was perpetrated by a 21-year-old male shooter in El Paso, Texas on August 3, 2019. The El Paso shooter is believed to have used an AK-47-style semiautomatic rifle. Julio-Cesar Chavez, *Death toll reaches 23 from last year's mass shooting in El Paso, Texas*, Reuters (Apr. 26, 2020), <https://www.reuters.com/article/us-texas-shooting/death-toll-reaches-23-from-last-years-mass-shooting-in-el-paso-texas-idUSKCN22901V>. The AK-47 is an assault rifle model descended from Soviet military rifles, in an evolution similar to that of modern AR-15-style rifles from U.S. military rifles. See C.J. Chivers, *Tools of Modern Terror: How the AK-47 and AR-15 Evolved Into Rifles of Choice for Mass Shootings*,

In short, AR-15-style rifles are often the weapon of choice for the young, male shooters who disproportionately commit the most destructive mass shootings.⁴¹

Moreover, research has revealed a link between such mass shootings and both domestic violence and misogyny. A review by Everytown of mass shootings committed between 2009 and 2020 revealed that the majority of mass shooters shot a family member or a current or former intimate partner, among their other victims.⁴² For instance, the perpetrator of the 2012 Newtown, Connecticut, shooting shot and killed his mother before killing 26 students and staff at Sandy Hook Elementary School.⁴³ The perpetrator of the 2017 Sutherland Springs, Texas, shooting killed his grandmother-in-law during the attack. He also had a history of assaulting his wife and child.⁴⁴

The Uvalde shooter joined these ranks by shooting his grandmother prior to his attack on Robb Elementary. As discussed below, he had also threatened multiple girls with sexual assault. He thus fit a related pattern observed among mass shooters, which is a history of stalking, harassment, or violence against women.⁴⁵

The overlap between misogyny and mass gun violence is not coincidental:

The N.Y. Times (Aug. 4, 2016), <https://www.nytimes.com/interactive/2016/world/ak-47-mass-shootings.html>.

⁴¹ Additionally, the arsenal of the 64-year-old Las Vegas shooter, who killed 58 people and injured 413 more, included four AR-15-style rifles manufactured by Daniel Defense. See Timothy Bella, *Families sue Uvalde gunman, signal possible action against gunmaker*, The Washington Post (Jun. 6, 2022), <https://www.washingtonpost.com/nation/2022/06/04/uvalde-shooting-lawsuits-daniel-defense-marketing/>.

⁴² Everytown, *Mass Shootings in America* (Nov. 21, 2020), <https://everytownresearch.org/maps/mass-shootings-in-america/#domestic-violence-was-a-part-of-most-mass-shootings>.

⁴³ Maya Salam, *Adam Lanza Threatened Sandy Hook Killings Years Earlier, Records Show*, N.Y. Times (Oct. 26, 2017), <https://www.nytimes.com/2017/10/26/us/adam-lanza-sandy-hook.html>.

⁴⁴ Holly Yan, AnneClaire Stapleton, & Darran Simon, *Authorities: Texas church shooter had three gunshot wounds*, CNN (Nov. 7, 2017), <https://www.cnn.com/2017/11/06/us/texas-church-shooting/index.html>.

⁴⁵ Everytown, *Guns and Violence Against Women* (Oct. 17, 2019), <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>; Mark Follman, *Armed and Misogynist: How Toxic Masculinity Fuels Mass Shootings*, Mother Jones (May/June 2019), <https://www.motherjones.com/crime-justice/2019/06/domestic-violence-misogyny-incels-mass-shootings/>.

Research has found that among the many reasons people purchase firearms, a sense of empowerment is one that particularly resonates with men, who tend to find greater feelings of empowerment from gun ownership. *Firearms can provide or re-instill a feeling of power, and are even explicitly marketed as doing so.* Additionally, surveys of young men have found that perceived threats to masculinity and social status are associated with both attraction to firearms and fantasies about mass murder.⁴⁶

This is why marketing, such as Daniel Defense’s, which promotes hypermasculine power, military fantasies, and the association of romantic love with firearms is particularly dangerous.

B. Adolescents and Young Adults Are More Prone to Impulsive, Risky, and Thrill-Seeking Behavior and Are Highly Susceptible to Advertising.

Adolescents and young adults—who are disproportionately represented among the most destructive mass shooters—are more likely than other age groups to engage in risky, thrill-seeking, violent, and impulsive behavior.⁴⁷ They are also highly susceptible to product advertising.

Decades of scientific evidence demonstrate that the onset of intense, thrill-seeking urges associated with puberty outpaces the development of the area of the brain responsible for judgment and impulse control, which continues into young adulthood. As a result, adolescents and post-adolescents have less capacity for mature judgment and self-control than older adults and are more likely to engage in risky behaviors.⁴⁸ Moreover, negative emotions such as anger, depression, and anxiety—

⁴⁶ Everytown, *Misogyny, Extremism, and Gun Violence* (Jan. 13, 2022) (citations omitted and emphasis added), <https://everytownresearch.org/report/misogyny-extremism-and-gun-violence/#the-role-of-firearms-in-acts-of-violent-misogyny>.

⁴⁷ See Glenn Thrush & Matt Richtel, *A Disturbing New Pattern in Mass Shootings: Young Assailants*, N.Y. Times (June 2, 2022), <https://www.nytimes.com/2022/06/02/us/politics/mass-shootings-young-men-guns.html>

⁴⁸ Cornelia Pechmann et al., *Impulsive and Self-Conscious: Adolescents’ Vulnerability to Advertising and Promotion*, J. Pub. Policy & Marketing, 202, 203-07 (2005), available at <https://journals.sagepub.com/doi/10.1509/jppm.2005.24.2.202>; See also Laurence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 Developmental Rev. 78 (2008), available at <https://www.ncbi.nlm.nih.gov/pubmed/18509515?dopt=Abstract>; Agnieszka Tymula et al., *Adolescents’ risk-taking behavior is driven by tolerance to ambiguity*, 109 PNAS

which are more strongly felt by adolescents—can dilute the already weak control adolescents and post-adolescents exercise over their impulses and urges.⁴⁹ Studies have further shown that this predilection for risky, thrill-seeking behavior extends to violent criminal behavior. Indeed, a disproportionate amount of violent crime in the United States is committed by individuals between the ages of 15 and 24, and 18- to 20-year-olds are offenders in gun homicides at a rate nearly *four times higher* than adults 21 and older.⁵⁰

Adolescents and young adults also exhibit increased susceptibility to advertisements, and research indicates that they are particularly receptive to advertisements that depict impulsive, thrill-seeking behavior.⁵¹ For instance, companies promoting products such as tobacco and alcohol have exploited the vulnerability of young consumers to advertisements that promote thrill-seeking conduct in order to hook them early and convert them into lifelong purchasers of their products.⁵²

17135 (Oct. 16, 2012), <https://www.pnas.org/content/109/42/17135>; Nina S. Mounts, *Why Are Teen Brains Designed for Risk-taking?*, *Psychology Today* (Jun. 9, 2015), <https://www.psychologytoday.com/us/blog/the-wide-wide-world-psychology/201506/why-are-teen-brains-designed-risk-taking>; Newport Academy, *The Truth About Teens and Risky Behavior* (Apr. 24, 2017), <https://www.newportacademy.com/resources/mental-health/truth-about-teens-risky-behavior/>.

⁴⁹ Pechmann et al., *supra* note 47, at 207-09; *see also* Lisa Rapaport, *Emotional distress tied to weapon use for teens*, *Reuters* (Feb. 5, 2016), <https://www.reuters.com/article/us-health-adolescents-arms/emotional-distress-tied-to-weapon-use-for-teens-idUSKCN0VE2A3>; Renata Sikora, *Risk behaviors at late childhood and early adolescence as predictors of depression symptoms*, 17 *Current Problems of Psychiatry* 173 (2016), <https://sciendo.com/article/10.1515/cpp-2016-0018>.

⁵⁰ Brad J. Bushman et al., *Youth Violence: What We Know and What We Need to Know*, 71 *Am. Psychologist* 17, 19 (2016), *available at* <https://escholarship.org/uc/item/1ck4f58h>; Everytown for Gun Safety, *Permitless Carry: Carrying a Concealed Gun in Public with No Permit and No Training* (Feb. 2020), https://everytownresearch.org/permitless-carry/#foot_note_anchor_10.

⁵¹ *See* Pechmann et al., *supra* note 47, at 202, 214.

⁵² *See* Center on Alcohol Marketing and Youth, *Alcohol Advertising and Youth*, John Hopkins Bloomberg School of Public Health (2007) (“Research clearly indicates that, in addition to parents and peers, alcohol advertising and marketing have a significant impact on youth decisions to drink.”), <https://web.archive.org/web/20201201221507/http://www.camy.org/resources/fact-sheets/alcohol-advertising-and-youth/>; John J. Pierce et al., *Ass’n Between Receptivity to Tobacco Advertising and Progression to Tobacco Use in Youth and Young Adults in the PATH Study*, 172 *JAMA Pediatrics* 444 (2018) (“Our study reinforces that tobacco

Research further suggests that one propensity can feed the other; adolescents may be particularly responsive to advertisements portraying impulsive or risky behavior when they are in a negative emotional state involving, for instance, depression or anger. As studies have shown, such adolescents are more vulnerable to acting on impulse to seek immediate gratification.⁵³

The Uvalde shooter fit the above profile to a T. He has been described as a lonely teenager with an unstable home life who displayed violent and self-harm tendencies.⁵⁴ In particular, the shooter had threatened multiple girls with sexual assault via social media.⁵⁵ He was also a fan of the first-person-shooter game *Call of Duty*.⁵⁶ In short, the shooter was both at risk of violence and fit the young, male demographic that – as outlined above – appears to be targeted by the content and placement of Daniel Defense’s marketing. On his 18th birthday, the shooter purchased two rifles, including a Daniel Defense DDM4 V7.⁵⁷ One week after his birthday, the shooter carried out his massacre.

DANIEL DEFENSE ADVERTISING AND THE FTC ACT

The evidence outlined provides strong support for finding that Daniel Defense’s marketing practices are unfair and/or deceptive under Section 5 of the FTC Act, 15 U.S.C. § 45(a). “[I]t is well established that the FTC Act and state analogues . . . not only govern the marketing of firearms, but also prohibit advertisements that promote or model the unsafe or illegal use of potentially dangerous products.” *Soto v. Bushmaster*, 331 Conn. 53, 202 A.3d 262, 309-310 (Ct. 2019).

To demonstrate an “unfair act or practice,” the Commission must show that the act or practice “[1] causes or is likely to cause substantial injury to consumers [2]

product marketing continues to be an important contributor to tobacco use among young people.”), <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2676069>

⁵³ See Pechmann et al., *supra* note 47, at 207-08, 214

⁵⁴ Robert Klemko, Silvia Foster-Frau, & Shawn Boburg, *Gunman bought two rifles, hundreds of rounds in days before massacre*, The Washington Post (May 25, 2022), <https://www.washingtonpost.com/nation/2022/05/25/ualde-texas-school-shooting-gunman/>

⁵⁵ Daniel A. Medina, Isabelle Chapman, Jeff Winter, & Casey Tolan, *Uvalde gunman threatened rapes and school shootings on social media app Yubo in weeks leading up to the massacre, users say*, CNN (May 28, 2022), <https://www.cnn.com/2022/05/27/us/yubo-app-salvador-ramos-threats-invs/index.html>.

⁵⁶ Robert Klemko et al., *supra* note 53; Nicholas Bogel-Burroughs, *The Texas gunman had few friends in high school, classmates say*, N.Y. Times (May 25, 2022), <https://www.nytimes.com/2022/05/25/us/texas-shooting-gunman-bullied.html>.

⁵⁷ Reese Oxner et al., *supra* note 2.

which is not reasonably avoidable by consumers themselves and [3] not outweighed by countervailing benefits to consumers or to competition.” *Id.* § 45(n); *see also FTC v. Sperry & Hutchinson Co.*, 405 U.S. 233, 244 n.5 (2015). To demonstrate a deceptive act or practice, the Commission must show that [1] the representation, omission, or practice “is likely to mislead the consumer”; [2] the consumer’s interpretation of the representation, omission or practice is reasonable; and [3] the representation, omission, or practice is material. FTC Policy Statement on Deception (Oct. 14, 1983), https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf.

Seven of the ten most destructive mass shootings in the last decade were perpetrated by young, male shooters, and six of those seven involved AR-15-style rifles. Despite these patterns, Daniel Defense markets its AR-15-style rifles using military imagery and the implication that it is suitable for civilians to use these weapons to engage in offensive, combat-like missions. And it chooses to place these advertisements on social media, which skews to a younger demographic. The coupling of the content and placement of the marketing reflects practices that are both material and likely to cause substantial injury.

One of the company’s consumers perpetrated the Uvalde massacre, after shooting his grandmother in an act of domestic violence, resulting not only in the death of 21 people and grievous physical injuries to many others, but also emotional and psychological trauma for the survivors.

Absent intervention by the FTC, the continuation of Daniel Defense’s marketing is likely to lead to future tragedy. These harms are severe, and their brunt is likely to be borne by innocent third parties, including children. The Commission has been particularly sensitive to such extreme injuries befalling vulnerable and unsuspecting third parties. For example, the Commission alleged that respondents had committed an unfair act or practice by developing and selling “stalking” apps that allowed purchasers to surreptitiously monitor another person’s activities on that person’s mobile phone or computer. *See Complaint, Retina-X Studios, LLC*. C-4711 (F.T.C. Mar. 26, 2020). The Commission alleged that this practice resulted in substantial injuries to innocent third parties that were not reasonably avoidable and not outweighed by countervailing benefits. *Id.* at 4. Mass shootings do even greater damage to communities in innumerable ways by diminishing a community’s sense of security and enjoyment of life, in addition to the unacceptable loss of life—and victims have no reasonable way of avoiding these harms.

The Commission has long recognized that adolescents and young adults comprise a class of purchasers highly susceptible to undue influence. Prior

enforcement actions demonstrate that advertisements designed to induce young people to use dangerous products can be unfair under the law. In particular, Daniel Defense’s marketing strategy toward adolescent and young adult men is reminiscent of tactics adopted by the tobacco industry of using direct marketing aimed at children to increase profits. These tactics famously included using cartoons such as Joe Camel in order to make cigarettes “attractive” to young people. *See In re R.J. Reynolds Tobacco Co.*, 127 F.T.C. 49 (1999). The Commission found that these marketing practices were unfair because the “campaign would have a substantial appeal to children and adolescents” and that it “would cause many children and adolescents below the age of 18 to smoke Camel cigarettes.” *Id.* at 50. More recently, the Commission has warned against e-cigarettes that use labeling or advertising that resemble kid-friendly food products, such as juice boxes, candies, or cookies.⁵⁸

Daniel Defense could tailor its marketing to less susceptible consumers, institute age-gating, cease the use of military and violent imagery and any suggestion that its weapons can be used by civilians for combat-like missions, and disclose the serious known dangers associated with its weapons. These would not be burdensome reforms. As one recent study of gun industry marketing concluded: “Reducing the appeal of assault weapons, and limiting advertisements of guns to police, veterans, and armed service members, by better understanding and intervening in gun advertising could translate into fewer gun-related deaths.”⁵⁹

The associated costs would clearly not outweigh the harms likely to flow from the continuation of Daniel Defense’s marketing. Accordingly, the benefits that Americans would enjoy from less militaristic and youth-oriented marketing would outweigh any potential costs to Daniel Defense.

* * *

The Commission has the legal authority to investigate and prevent Daniel Defense from employing marketing practices that violate the FTC Act. For the reasons outlined above, we respectfully submit that there is strong evidence that the company’s marketing practices are unfair and/or misleading and therefore unlawful. The need to stop these dangerous practices is urgent and clear. Therefore, Everytown urges the Commission to take all appropriate action to ensure that Daniel Defense’s marketing practices are reformed to eliminate or at least reduce the risk that they contribute to future gun violence.

⁵⁸ See Press Release, Fed. Trade Comm’n, *FTC, FDA Take Action Against Companies Marketing E-liquids That Resemble Children’s Juice Boxes, Candies, and Cookies* (May 1, 2018), <https://www.ftc.gov/news-events/press-releases/2018/05/ftc-fda-take-action-against-companies-marketing-e-liquids>.

⁵⁹ Lisa Jordan et al., *supra* note 4.

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