

Thursday, March 31, 2005

NATIONAL CHAIN STORES CVS AND KMART PAY \$130,000 IN TOTAL FINES TO CITY FOR ILLEGAL SALE AND DISPLAY OF FAKE GUNS

The New York City Department of Consumer Affairs (DCA) today announced separate agreements with two of the nation's largest retail chain stores, CVS and Kmart, to settle charges of selling, and offering to sell, fake guns at their New York City locations. CVS paid \$100,000 following a DCA citation in 2004 that led to finding more than 400 fake guns in stock through subpoenaed records. Kmart paid \$30,000 following a DCA citation in 2004 and found nearly 50 in stock, also through subpoenaed records. Both stores were charged with violating the New York City Public Safety Law. Over the past two and a half years the DCA has aggressively enforced the City's sales ban on dark-colored fake guns citing more than 70 stores, requiring stores to remove more than 5,600 fake guns citywide, and securing more than \$600,000 in fines.

"CVS and Kmart have no business selling fake guns in New York City," said DCA Commissioner Gretchen Dykstra. "It's no secret that fake guns are extremely dangerous, and have created fatal situations for both the police and the public. Stopping stores from selling fake guns is a top priority because at DCA we focus on where the greatest harm can be done to the greatest number."

During routine inspections, the DCA spotted the Manley Toy Quest "Official Military Play Equipment," offered for sale in CVS. The chain also sold "Official Navy Seal Team Play Equipment." The surfaces of the fake guns found at CVS were dark green, brown, and black camouflage, not the brighter colors required by law. In addition, the DCA spotted the "Fun Zone Delta Force Military Action Set" offered for sale at Kmart, which was camouflage green.

Under New York City's Public Safety Law, it is illegal to sell or offer to sell any toy or imitation firearm that can reasonably be perceived to be an actual firearm unless the exterior surface of the toy or imitation firearm is predominantly brightly colored. The range of acceptable colors include white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple.

In addition to store inspections, the DCA subpoenas manufacturers to show which New York City stores have fake guns in stock. The DCA has cited and reached agreements with independent and chain stores in all five boroughs including: The Sports Authority, Walgreen's, Party City, Jack's 99-Cent Store, Abracadabra, Bozo's Army and Navy Store, Party Fair, Ricky's, Party Fun, Inc., Children's Playworld-KTA, Dollar Worth, Forest Hills Party Goods, Inc., Dollar Store Express, R&L Bargain Centers, Twin Cards, and Village Paper, Inc.

To report a store that is selling dark-colored fake guns, call 311 or visit the DCA web site at www.nyc.gov/consumers.