

Governor Phil Murphy

ICYMI: Indiana Firearms Dealer Will Stop Selling Large Capacity Magazines into New Jersey, Pay Penalty to Resolve Investigation into Illegal Online Sales

01/25/2024

Consent Order

(https://urldefense.com/v3/https://t.e2ma.net/click/bq8yyk/nrdit/3b0kk7_!!J30X0ZrnC1oQtbA!KJhxoMc6Xh00jOjOmdWP2G6HhLso2ra9psIM3WUTajvftZvdElml9gjRe7Jx2S0)

NEWARK – Attorney General Matthew J. Platkin and the Division of Consumer Affairs today announced that an Indiana-based firearms dealer has agreed to stop advertising, offering for sale, and selling large capacity magazines (“LCMs”) to New Jersey residents, and prevent the ordering and shipping of its LCMs to any New Jersey addresses, in order to resolve allegations stemming from an undercover investigation conducted by the Division.

Element Armament, LLC agreed to the injunctive terms contained in a Consent Order resolving the Division’s allegations that the company violated New Jersey’s consumer protection laws in selling and shipping four LCMs to an undercover State investigator. The company also agreed to pay a settlement amount of \$17,705.

New Jersey law prohibits the possession and sale of LCMs, which are firearm magazines that can hold more than 10 rounds of ammunition. LCMs can range from 11 rounds of ammunition to 100 rounds or more, allowing a shooter to fire a high number of bullets in a short amount of time without requiring the shooter to pause and reload. As a result, gun violence involving LCMs can result in more shots fired, more persons wounded, and higher fatalities than other gun attacks. Tragically, given their heightened deadliness, LCMs have frequently been used in mass shootings.

“New Jersey has zero tolerance for unlawful large capacity ammunition magazines that significantly increase a shooter’s ability to injure and kill large numbers of people quickly,” **said Attorney General Platkin**. “We are committed to identifying and holding accountable those who market and sell LCMs in violation of the New Jersey laws that protect our consumers and keep our residents safe from gun violence.”

Based on its investigation, the Division alleges that Element Armament, which operates a walk-in retail store in Whiteland, Indiana, and sells firearms and related supplies online via its website, violated New Jersey’s Consumer Fraud Act and Hazardous Products Regulations by advertising, offering for sale, and selling LCMs to New Jersey residents without disclosing to them that knowingly possessing LCMs in New Jersey is a crime.

Specifically, on July 9, 2022, a Division investigator operating undercover used the Element Armament website to purchase four LCMs – two 13-round magazines, one 50-round magazine, and one 60-round magazine – that were shipped from the store to an undercover address in New Jersey.

“With this action we are sending a clear message that New Jersey will not allow merchants to circumvent our laws and endanger our residents by selling prohibited products here,” **said Cari Fais, Acting Director of the Division of Consumer Affairs**. “We will continue to use the broad enforcement powers of our consumer protection laws to stop large capacity magazines and other banned firearm parts from entering our state.”

As a result of this settlement, Element Armament will make significant changes to its business practices to comply with New Jersey law, including by clearly and conspicuously disclosing on its website that high capacity magazines are illegal in New Jersey, and by making consumers aware of the serious consequences they face for purchasing them in this state.

In addition to the monetary payment of \$17,705, which includes a \$12,000 civil penalty, and \$5,705 in reimbursement of the Division’s attorneys’ fees, the settlement requires Element Armament to take action to prevent unlawful ammunition magazines from being sold in New Jersey. Specifically, Element Armament shall:

- not advertise, offer for sale, sell, or ship LCMs to New Jersey consumers;
- prevent the ordering and shipping of its LCMs to any New Jersey address;
- clearly and conspicuously disclose, on the LCM product pages of its website, that certain U.S. jurisdictions restrict firearm magazine sales and that Element Armament cannot process sales/shippments prohibited by law;
- conspicuously disclose on its website that “New Jersey law prohibits large capacity ammunition magazines with a capacity of more than ten rounds of ammunition – and any person who knowingly possesses an LCM is guilty of a crime of the fourth degree, punishable by fines and imprisonment,” or include a link to a page containing such information;
- maintain policies regarding the prohibition of LCM sales to New Jersey consumers and ensure that all employees charged with reviewing and/or fulfilling LCM purchases are made aware of these policies; and
- continue to make and keep all documents concerning sales and attempted purchases of LCMs to any New Jersey shipping address, including, but not limited to, checkout pages, invoices, order confirmations, shipping confirmations, receipts, payment confirmations, packing lists, and shipment tracking.

New Jersey law has long prohibited the possession and sale of large capacity magazines capable of carrying 15 rounds or more. However, in June 2018, Governor Phil Murphy signed into law a package of common-sense gun safety measures that included a bill reducing the maximum capacity of LCMs from 15 to 10 rounds.

The investigation into Element Armament is the latest effort by the Office of the Attorney General and the Division of Consumer Affairs to protect New Jersey residents from illegal firearm products and gun violence.

Investigator Aziza Salikhova of the Office of Consumer Protection within the Division of Consumer Affairs conducted the investigation in the Element Armament matter. Deputy Attorney General Sara J. Koste and Deputy Attorney General/Assistant Section Chief Monisha A. Kumar, under the supervision of Section Chief Jesse J. Sierant of the Consumer Fraud Prosecution Section, within the Affirmative Civil Enforcement Practice Group of the Division of Law, represented the State in the investigation and settlement with Element Armament.

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