



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, DC 20226

SEP 18 2002

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[REDACTED]

Dear Mr. [REDACTED]:

This is in response to your recent letter to the Bureau of Alcohol, Tobacco and Firearms (ATF), in which you inquire about a device known as a "potato gun."

Potato cannons are generally constructed from "PVC" plastic tubing and fittings and are designed to launch a muzzle-loaded potato (or other similar size projectile) using an aerosol hair spray, propane, compressed air, etc. The propellant is ignited by means of a barbecue grill igniter or other similar system.

As you may know, a major mission of ATF is enforcement of the National Firearms Act (NFA), Gun Control Act (GCA), and other Federal firearms laws. The NFA regulates certain weapons as "destructive devices" that are subject to registration and Federal tax provisions. (See 26 U.S.C. Section 5845(f) of the Internal Revenue Code.)

Mr. [REDACTED]

Further, the NFA, in 5845(f)(2), includes within the definition of "destructive device" any type of weapon that will or may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel of which has a bore diameter greater than one-half inch in diameter. However, section 5845(f)(3) excludes from the definition of "destructive device" any device which is neither designed nor redesigned for use as a weapon and any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

For your information, the definition of "destructive device" in the GCA, 18 U.S.C. Chapter 44, is identical to that used by the NFA.

ATF has previously examined devices known as "potato guns," "potato launchers," "spud guns," and "spudzookas" and has generally determined that such devices using potatoes as projectiles and used solely for recreational purposes are not weapons and meet neither the NFA nor the GCA definition of "firearm" or "destructive device." However, ATF has classified such devices as "firearms" and "destructive devices" if they are designed and used to expel such items as flaming tennis balls. Therefore, we would caution you that any similar devices that can be determined to be weapons by reason of their design, construction, intended use, actual use, ammunition, or other factors, may be covered by Federal firearms laws as explained above.

Although "recreational" potato guns are not currently subject to the GCA or the NFA, they may still be regulated under State law or local ordinances. We suggest that you contact your local law enforcement agencies for additional information. Further, those persons intending to make, use, or transfer "potato launchers" should be aware that they have a potential for causing serious injury or damage and must be carefully handled.

Mr. [REDACTED]

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please contact us.

Sincerely yours,

*Steven J. Bogdalek*

Steven J. Bogdalek *for*  
Chief, Firearms Enforcement Branch