

# The Star-Ledger

## Smith & Wesson sues N.J. after state demands advertising info

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The gun manufacturer Smith & Wesson Brands Inc. sued New Jersey this week after the state demanded information about how the company has advertised to residents.

New Jersey subpoenaed Smith & Wesson in October for an array of documents, according to the complaint. While the request “allegedly seeks evidence of consumer fraud,” its real purpose is to weaken Smith & Wesson and the 2nd Amendment, the lawsuit alleges. The company says it shouldn’t have to hand over any documents.

“Following in the abusive footsteps of ... repressive regimes, the New Jersey Attorney General has taken a series of actions to suppress Smith & Wesson’s speech,” in order to hurt the company “both financially and reputationally,” the manufacturer wrote.

The lawsuit was filed Tuesday in U.S. District Court for New Jersey. A spokesman for state Attorney General Gurbir Grewal declined comment. Smith & Wesson did not immediately respond to a request for comment.

New Jersey has some of the most restrictive gun laws in the nation, and the state has previously targeted outside groups that overstep local limits. In September, a Nevada-based company agreed to pay \$50,000 and stop selling large magazines in the Garden State.

In 2018, the governor signed an executive order telling officials to track what guns were used to commit crimes. Smith & Wesson was listed as one of the top brands linked to gun crime in October, according to the state’s most recent report.

On Oct. 13, the state subpoenaed the Massachusetts-based company, according to a copy of the subpoena included in the complaint.

New Jersey asked about how Smith & Wesson had advertised to residents about “home safety, concealed carry, personal protection” and other topics. The state also wanted to know if the company had any internal studies proving or disproving claims it made.

That amounted to an “unconstitutional fishing expedition,” the lawsuit said.

For example, the state wanted to know if Smith & Wesson has said guns make people safer, according to the subpoena.

That’s a matter of opinion, the lawsuit said, and “statements of opinion should not be subject to review by State officials for ‘accuracy,’ and cannot form the basis of any investigation sounding in ‘fraud.’”

New Jersey also asked if Smith & Wesson believes residents can legally carry concealed weapons. That would be a legal opinion that has nothing to do with fraud, the manufacturer said.

Tuesday's lawsuit joins the state's other gun-related court battles.

On Wednesday, New Jersey joined a lawsuit challenging how the federal government regulates so-called "ghost guns," which are often homemade.

In May, a local police union sued to make it easier for retired officers to carry concealed guns. That lawsuit is ongoing, according to court records.