



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

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Martinsburg, WV 25405

www.atf.gov

AUG 22 2017

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3311/307382

Mr. Zak Amert  
Ithaca Gun Company  
420 North Warpole Street  
Upper Sandusky, Ohio 43351

Dear Mr. Amert:

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your submitted samples of one Ithaca, model 37 FTG, pump action, 12 gauge firearm and one Ithaca, model 37 FTG, pump action, 20 gauge firearm. Specifically, you requested an examination and classification of this sample with respect to the National Firearms Act (NFA) and the Gun Control Act of 1968 (GCA).

As background, the amended GCA, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *...any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and] ...the frame or receiver of any such weapon....*

Also, the GCA, 18 U.S.C. § 921(a)(5), defines the term “shotgun” in part as *...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....*

The NFA, defines “firearm” to include *... any other weapon, as defined in subsection (e)....* (See 26 U.S.C. § 5845(a)(5).)

Further, the NFA, 26 U.S.C. § 5845(e), defines “any other weapon (AOW)” as follows:

*...any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or revolver having a rifled*

Mr. Zak Amert

*bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.*

Finally, 27 CFR § 478.92 states the following:

*...each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.*

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

The full identity and physical characteristics of the samples are provided below, along with a description of the markings (see enclosures for photos):

**Ithaca, model 37, 12 gauge, pump action firearm, serial number LE-M3712100206**

- Overall length: Approximately 26-5/16 inches.
- Barrel length: Approximately 14-1/16 inches.
- Thumb-hole grip.
- Tube magazine.

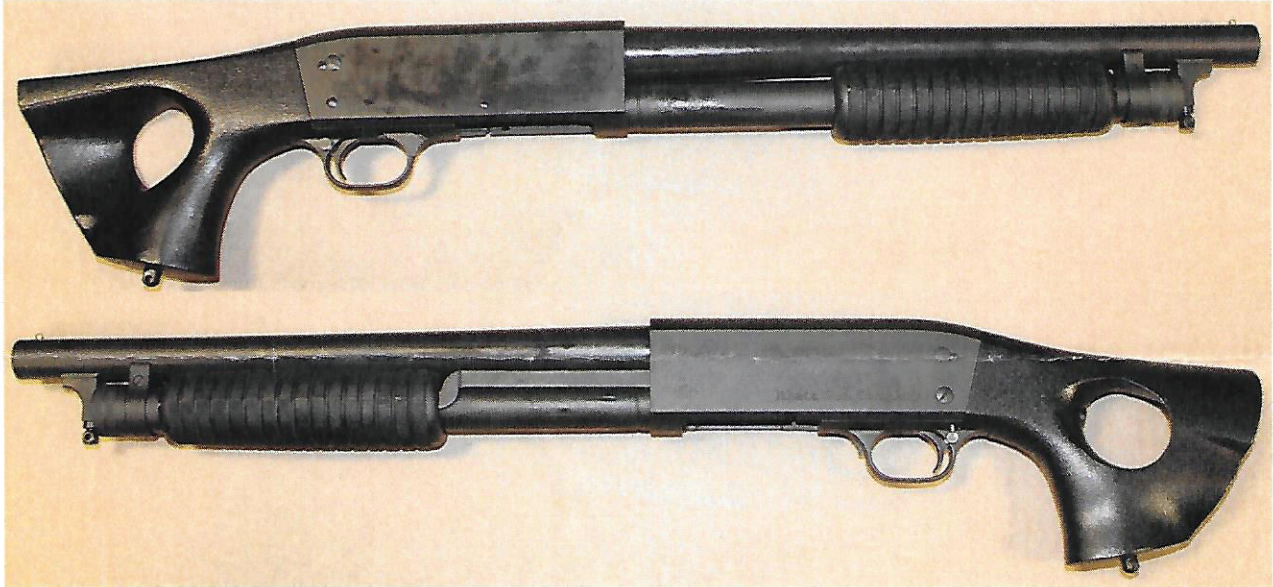
Further, FTISB found the following markings:

|                    |   |
|--------------------|---|
| Receiver – (left)  | <b>Ithaca Gun Company</b>   |
| Receiver – (Right) | <b>LE-M3712100206</b> (serial number)   |
| Barrel – (left)    | <b>LE 14”<br/>M37 CLASS 3 12 GA 3” CHAMBER PATENT PENDING<br/>ITHACA GUN COMPANY, UPPER SANDUSKY, OH<br/>MADE IN U.S.A.</b> |
| Barrel – (Right)   | <b>PT</b>   |



Mr. Zak Amert

Submitted sample.



Per your correspondence, the submitted sample was made from a weapon that never was a “Shotgun” as defined by the GCA. The FTISB examination determined that the submitted sample is not a “firearm” as defined in the NFA. It is a “firearm” as defined in the GCA, § 921(a)(3).

**Ithaca, model 37, 20 gauge, pump action firearm, serial number DEF-M3720080289**

- Overall length: Approximately 26-5/16 inches.
- Barrel length: Approximately 14-1/16 inches.
- Thumb-hole grip.
- Tube magazine.

Further, FTISB found the following markings:

|                    |   |
|--------------------|---|
| Receiver – (left)  | <b>Ithaca Gun Company</b>   |
| Receiver – (Right) | <b>DEF-M3720080289 (serial number)</b>  |
| Barrel – (left)    | <b>M37 FEATHERLIGHT 20 GA 3” CHAMBER PATENT<br/>PENDING<br/>ITHACA GUN COMPANY, UPPER SANDUSKY, OH<br/>MADE IN U.S.A.</b> |
| Barrel – (Right)   | <b>PT</b>   |

Mr. Zak Amert

Submitted sample.



Per your correspondence, the submitted sample was made from a weapon that never was a "Shotgun" as defined by the GCA. The FTISB examination determined that the submitted sample is not a "firearm" as defined in the NFA. It is a "firearm" as defined in the GCA, § 921(a)(3).

You should be aware that these findings are based on the samples as submitted. If the design, dimensions, configuration, method of operation, materials used or other factors were changed, our classification and determinations pertaining to these firearms would be subject to review.

Pursuant to the NFA, the term "any other weapon" is defined, in part, as "any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive..." We caution that if the submitted firearm is concealed on a person, the classification provided above may change.

The submitted firearms will be returned to you using the shipping label that you provided.

We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,

*M*

A handwritten signature in black ink, appearing to read "Michael R. Curtis", with a stylized star or flourish at the end.

Michael R. Curtis

Chief, Firearms Technology Industry Services Branch