A plastic "pistol" is not considered a firearm within the intent of the Federal Firearms Act even though designed to expel a projectile by the action of an explosive since it is not considered a "weapon" according to the commonly accepted definition of that term.

Advice is requested whether an inexpensive plastic toy gun designed to resemble the German Luger automatic pistol is a firearm as defined by the Federal Firearms Act.

Section 1 of the Federal Firearms Act, 52 Stat. 1250, 15 U. S. C. 901, and section 315.27 of Regulations 131 define a firearm as any weapon, by whatever name known, which is designed to expel a pro-
jectile or projectiles by the action of an explosive and a firearm, muller or firearm silencer, or any part or parts of such weapon.

The "pistol" in question is an inexpensive plastic toy gun designed to resemble the German Luger automatic pistol. It operates on the muzzle loading ball and cap principle using a No. 6 shot as a projectile, similar to a BB gun.

Although this pistol operates on the principle of expelling a projectile by the explosive action of an ordinary powder cap, it is not considered to be a "weapon" according to the commonly accepted definition of that term as an instrument of offensive or defensive combat and therefore is not a firearm under the Federal Firearms Act.