

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

COMMERCE, SCIENCE, AND TRANSPORTATION
SMALL BUSINESS AND ENTREPRENEURSHIP
FOREIGN RELATIONS

CHAIRMAN:

SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND
FOREIGN ASSISTANCE, ECONOMIC AFFAIRS,
INTERNATIONAL ENVIRONMENTAL PROTECTION, AND
PEACE CORPS

U.S. SENATE CLIMATE CHANGE CLEARING HOUSE

United States Senate

November 4, 2013

SUITE SR-218
RUSSELL BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

THOMAS P. O'NEILL, JR. FEDERAL BUILDING
10 CAUSEWAY STREET, SUITE 559
BOSTON, MA 02222
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01101
413-785-4610

Kevin Systrom
Chief Executive Officer
Instagram, LLC
181 South Park Street, Suite 2
San Francisco, CA 94107

Dear Mr. Systrom:

I write to ask that Instagram prohibit the use of its service to enable sales of firearms, consistent with policies adopted by online marketplace entities such as Craigslist and eBay. According to a recent story in *The Daily Beast*,¹ a growing number of Instagram's users are conducting unregulated gun sales through Instagram's widespread mobile and Internet application. I am concerned that such sales may circumvent or violate various state and federal laws and that, as a result, a significant number of unlawful sales of firearms may be occurring through Instagram's mobile and online service.

Unlike online marketplaces such as eBay, Instagram's technology enables a seller to publicize products widely without registering as a seller or otherwise disclosing his or her identity. Firearms sales that are initiated via Instagram can be concluded offline, in the absence of any statutory or regulatory requirements. As a result, it is possible that some could be occurring to those under eighteen years old, to out of state buyers by sellers in states that have prohibitions on interstate sales of firearms, or by sellers who are declining to conduct background checks – despite residing in states where such background checks are required.

Instagram's application offers an array of ever-expanding search terms that enable users to explore a vast universe of firearms available for purchase, such as #gunsforsale, #gunstore, #guns_of_instagram, #AR15, and #AK47. Once the user has identified the desired firearm, sales can be easily negotiated and completed offline.

¹Brian Ries, "People are Using Instagram to Sell Their Guns ...And It's Mostly Legal," October 22, 2013, available at <http://www.thedailybeast.com/articles/2013/10/22/people-are-using-instagram-to-sell-their-guns-and-it-s-mostly-legal.html>

Mr. Kevin Systrom
Page 2 of 2

Other companies that enable online sales have enacted commonsense protocols to prevent widespread weapons trading on their systems. eBay, for instance, prohibits the sale of actual firearms on its site.² Craigslist forbids both the sale and advertisement of all “weapons and related items, including firearms, ammunition, silencers, pellet/BB guns, tear gas, or stun guns.”³ Facebook, Instagram’s parent company, states that,

Ads and Sponsored Stories may not promote firearms, ammunition, paintball guns, bb guns, fireworks, explosives, pepper spray, knives, tasers, or weapons of any kind, including those used for self-defense. Ads and Sponsored Stories may not directly or indirectly link to landing pages where users can purchase any of these products.⁴

I encourage Instagram to take similar steps and adopt safe business practices that curb the marketing and sale of guns through Instagram. Thank you for your attention to this important matter. I look forward to hearing from you. If you have any questions, please contact Justin Slaughter of my staff at 202-224-2742.

Sincerely,



Edward J. Markey
United States Senator

² <http://pages.ebay.com/help/policies/firearms-weapons-knives.html>

³ <http://www.craigslist.org/about/prohibited.items>

⁴ <https://www.facebook.com/help/174908809241578>