

TUESDAY
July 10, 2007

NOT SO SWEET



AARON MORRISON — Staff photos

HAYWARD RESIDENT Starletta Carter holds the toy gun on Friday that she confiscated from her 6-year-old son's bedroom. Carter waited outside Mayor Mike Sweeney's office on Friday with the gun (below) and a picture of her son, hoping to talk to a City Council member. Since no one was available, an office staff member suggested that she attend tonight's City Council meeting.

Ice cream trucks sell more than popsicles

By Aaron Morrison
STAFF WRITER

When a mother cleans her 6-year-old son's room, she expects to find dirty socks, underwear or an action figure under his bed. But when she finds what can mistakenly be identified as a deadly weapon, she can undoubtedly become concerned.

Two weeks before the discovery, Hayward resident Starletta Carter gave her son \$2 to get ice cream



from a passing ice cream truck. But she didn't expect him to return with a small, black-and-brown toy pistol that shoots fake bullets from its

barrel.

"We never buy guns when we go to the store. I've never bought him a gun," Carter said. "We've never had this problem until all these ice cream trucks came up and down the street."

Alarmed by how easily her son acquired the toy, Carter called Hayward police to her Tyrell Avenue apartment. An officer came out, but no report was filed.

Please see **GUN**, Local 2

Woman says trucks selling toy guns

► **GUN**, from Local 1

"They just told us that these people are within their rights," Carter said of her conversation with the officer. "They have a vendor's license, they haven't broken any laws."

Under the "Marking of Toy, Look-alike and Imitation Firearms" regulations, federal law stipulates that all imitation firearms bear the approved marking, namely a "blaze orange" color "affixed to the exterior surface of the barrel."

Carter, 25, found her son's toy gun without the standard markings, a problem that Sgt. Jason Martinez says should be a concern for parents, ice cream truck vendors and police alike.

"Although we don't get many complaints like this, it is a concern for us," Martinez said. "It's a two-way street. Everyone, ice cream truck drivers and parents, should be educated about the regulations."

Carter is just one of several parents in her neighborhood who says they feel their children are being targeted with such suggestive toys.

She, however, isn't waiting for something to happen to her son — or anyone else's, for that matter. Tonight, Carter will bring her complaints before the Hayward City Council at its 8 p.m. meeting at City Hall.

"Ultimately it's going to be one of the police officers that winds up killing our kids," Carter said. "They won't be able to determine what's real and what's fake, or if this is a kid."

Carter admitted that she was initially unsure of what steps to take or who she should take her complaints to. But the sort of change that she wants to see in Hayward is not unfounded.

In 2005, Stockton's City Council passed an ordinance that banned the dispensing of any items other than food or

beverages from ice cream trucks licensed to vend within city limits.

The ordinance made it a misdemeanor offense to sell toy guns or any other potentially harmful objects from ice cream trucks.

"I've went out there to the ice cream truck before and he tells me, 'Your kids are from East Oakland, so they like the bang-bang,'" Carter said, referring to a more recent encounter she had with a truck driver in her neighborhood.

In this particular encounter, Carter said she waved the truck down to see if it was selling toy guns. After noticing it was, she complained to the driver.

His response: "Well, all of the other ones are selling them."

According to the city of Hayward's revenue division records, there are five vendor licenses registered to ice cream truck companies. Of the five, two listed contact numbers were out of service.

Of the three numbers in service, Grand Ice Cream and NS Ice Cream spokespeople said their businesses have never received any complaints from customers about toy guns.

City records show Satuir Ice Cream as a registered vendor, but the number listed rings to Lathbir Singh's wholesale ice cream company. Singh's company resupplies trucks that he allows to park on his lot; about 30 or 35 trucks, Singh said.

Singh's company does not sell toy guns to truck drivers when they come for replenishment. But he says that doesn't mean they can't get them somewhere else.

"We're trying to get anyone buying from my company to not sell the guns," Singh said. "Water guns and water balloons are OK, but no pellet guns."

Singh said he has often seen truck drivers hide merchandise in their own cars and then take



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them out as they are leaving his lot to do business for the day.

Singh also allows some drivers who are applying for a vendor license to list his business number as their contact. He says this allows him to hear complaints that he would otherwise not hear from the drivers.

"I get complaints about the truck music being too loud," Singh said. "If any driver sells (the gun), they can call me so that nothing bad will happen

and everyone can be happy."

For the time being, Carter is certain that she will not let her son go out to an ice cream truck by himself.

"I'll buy ice cream for home before I let him go out there," Carter said. "If you are an ice cream truck, you should sell ice cream."

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