

vided, in the absence of proof of a lower aggregate cost of doing business by such retailer or vending machine operator, as the case may be; provided, however, that if the discount received by such retailer or vending machine operator shall be less than that ordinarily allowed to wholesalers, then the wholesaler's mark-up of four per cent. above provided for may be reduced by the difference between the discount ordinarily allowed to wholesalers and the discount received by such retailer or vending machine operator.

(d) (*Sales by Wholesalers to Other Wholesalers and Vending Machine Operators*). When one wholesaler sells cigarettes to any other wholesaler or vending machine operator, as herein defined, the former shall not be required to include in his selling price to the latter, "cost to the wholesaler", as provided by Section 115C (a) of this Article, except that no such sale shall be made at a price less than the "basic cost of cigarettes" as defined in Section 115C (b) of this Article, but the latter wholesaler, upon resale to a retailer, shall be deemed to be the wholesaler governed by the provisions of said Section 115C (a) of this Article.

115E. (*Combination Sales and Concessions*). It shall be a violation of this sub-title, notwithstanding it may also be a violation of Sections 111-115 inclusive of this Article (*The Unfair Sales Act*) for any wholesaler or retailer, with the purpose or intent specified in Section 115A of this Article:

(a) To sell cigarettes in combination with any other item or items of merchandise where any such other item is given free of charge or sold at a price which is below the cost of such item to the seller as defined in Sections 111-115 inclusive of this Article.

(b) To sell cigarettes in combination with any other item or items of merchandise where the total sale price for all the items included in the sale is less than the sum of the cost of cigarettes to the retailer or wholesaler, as the case may be, as herein defined plus the cost to the wholesaler or retailer, as the case may be, as defined in Sections 111-115 inclusive of this Article, of all other items included in the sale, including items given free of charge in connection with the sale.

(c) To give cigarettes free of charge, except in the case of specially packaged manufacturers' samples which are designated on the package as not to be sold.

(d) To make any rebate, advertising allowance, or any other concession by any means or device whatever in connection with the sale of cigarettes, whereby the cigarettes are in effect sold below cost as herein defined, except that any reduction in cost to the seller resulting from any payment or compensation given by manufacturers of cigarettes on a uniform and non-discriminatory basis for promotional services, and any coupons issued and ultimately redeemed by the manufacturer on the same basis, may be passed on to the purchaser without violating this sub-title.

115F. (*Exceptions*). (a) The provisions of this sub-title shall not apply to sales at retail or sales at wholesale:

(1) Where cigarettes are sold at bona fide clearance sales, if advertised and marked as such and the quantity accurately, clearly