

and conspicuously stated in all advertising of such sale and in signs conspicuously posted where the sale takes place.

(2) Where cigarettes are imperfect, damaged or being discontinued if advertised and marked as such, and the quantity accurately, clearly and conspicuously stated in all advertising of such sale and in signs conspicuously posted where the sale takes place.

(3) Where cigarettes are sold upon the complete and final liquidation of the seller's business.

(4) Where cigarettes are sold under the order, direction or supervision of a Court.

(5) Where cigarettes are sold by a retailer or wholesaler at a price fixed in good faith to meet the competition of another retailer, or of another wholesaler who is rendering the same type of service (i.e., "cash and carry" or "service") as the seller, and provided that the competitor's price which seller desires to meet is itself lawful and not in violation of the provisions of this sub-title. The price of cigarettes sold under paragraphs (1)-(4) inclusive of this sub-section shall not be deemed the price of a competitor under this paragraph.

(b) In calculating the basic cost of any wholesaler or retailer of cigarettes purchased at any sale under paragraphs (1)-(4) inclusive of sub-section (a) of this section or at any other sale outside the ordinary channels of trade, invoice cost shall not be used but there shall be used instead, the replacement cost of the cigarettes as defined in Section 115C (b) of this Article based upon the quantity last purchased by the seller through the ordinary channels of trade.

115G. (Evidence). (a) In any action or proceeding pursuant to this sub-title, including proceedings before the Comptroller of the Treasury relating to licenses, proof of a sale of cigarettes or any other item or items in combination or in connection with cigarettes at less than cost to the seller as defined and specified in this sub-title, shall be prima facie evidence of intent to injure a competitor or competitors and/or of intent to destroy or substantially lessen competition.

(b) In determining cost to the retailer or cost to the wholesaler, as the case may be, the Comptroller or any Court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under the provisions of this sub-title purchased cigarettes with respect to the sale of which complaint is made at a fictitious price or upon terms or in such a manner or under such invoices as to conceal the true costs, discounts or terms of purchase and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary, and prevailing terms and discounts in connection with other sales of a similar nature in the trade area.

115H. (Remedies). (a) Upon complaint of the Comptroller or of any person affected, the Circuit Court of any County and the Circuit Court and Circuit Court No. 2 of Baltimore City shall have jurisdiction to enjoin any retailer or wholesaler from the commission of any act prohibited by this sub-title, and to award damages and costs. In the event no injunctive relief is sought or required, any person