

Fair Trade Act.

1935. ch. 212, sec. 105.

105. The following terms, as used in this sub-title, are hereby defined as follows:

“Producer” means grower, baker, maker, manufacturer or publisher.

“Commodity” means any subject of commerce.

1935. ch. 212, sec. 106.

106. No contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, the trade-mark, brand, or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Maryland by reason of any of the following provisions which may be contained in such contract:

1. That the buyer will not resell such commodity except at the price stipulated by the vendor.

2. That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not, in turn, resell except at the price stipulated by such vendor or by such vendee.

Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

1. In closing out the owners' stock for the purpose of discontinuing delivering any such commodity.

2. When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.

3. By any officer acting under the orders of any court.

1935. ch. 212, sec. 107.

107. Wilfully and knowingly advertising, offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provision of Section 105,¹ whether the person so advertising, offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby.

1935. ch. 212, sec. 108.

108. This sub-title shall not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices.

1935. ch. 212, sec. 109.

109. This sub-title may be known and cited as the “Fair Trade Act.”

1935. ch. 212, sec. 2.

110. If any provision of this sub-title, or the application thereof to any person or circumstances, is held invalid, the remainder of the sub-title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

¹ Sec. 106 evidently intended.