

(A) In closing out the owner's stock for the *bona fide* purpose of discontinuing dealing in any such commodity and plain notice of the fact is given to the public; provided the owner of such stock shall give to the producer or distributor of such commodity prompt and reasonable notice in writing of his intention to close out said stock, and an opportunity to purchase such stock at the original invoice price;

(B) When the goods are altered, second-hand, damaged, defaced or deteriorated and plain notice of the fact is given to the public in the advertisement and sale thereof, such notice to be conspicuously displayed in all advertisements and to be affixed to the commodity;

(C) By any officer acting under an order of court.

1935, ch. 212, sec. 107. 1937, ch. 239, sec. 110.

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 provisions of Sections 102-110, 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. 1937, ch. 239, sec. 111.

108. Sections 102-110 shall not apply to any contract or agreement between or among producers or distributors or, except as provided in subdivision (C) of Section 103 of this sub-title between or among wholesalers, or between or among retailers, as to sale or resale prices.

1937, ch. 239, sec. 112.

109. If any provision of Sections 102-110, or the application thereof to any person or circumstance, is held invalid, the remainder of said sections, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

1937, ch. 239, sec. 114.

110. This Act may be known and cited as the "Fair Trade Act".¹

Sections 102-110 held valid. *Goldsmith v. Mead Johnson & Co.*, Daily Record, July 1, 1939.

Secs. 102-110 held to apply to the resale of copyrighted books. *Remington Putnam Co. v. Schill et al.* (Judge Ulman, Circuit Court No. 2 of Baltimore City), Daily Record, Apr. 4, 1940.

¹ Sec. 113 of ch. 239 of Acts of 1937 repealed all laws inconsistent therewith.

Ch. 211, Acts of 1937, as amended by Ch. 248, Acts of 1939, which prohibits the sale of articles below cost, with certain exceptions, and relating to so-called unfair trade practices, held to be unconstitutional in *Loughran Co. v. Lord Balto. Candy & Tobacco Co.*, Daily Record, Apr. 9, 1940.