

CHAPTER 248.

(House Bill 139)

AN ACT to repeal Sections 115 to 121, inclusive, of Article 83 of the Annotated Code of Maryland (1935 Supplement), title "Sales and Notices", sub-title "Fair Trade Act", as said Sections were enacted by Chapter 211 of the Acts of 1937, and to enact in lieu thereof six new Sections, to be known as Sections 115 to 120, inclusive, relating to certain unfair trade practices.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 115 to 121, inclusive, of Article 83 of the Annotated Code of Maryland (1935 Supplement), title "Sales and Notices", sub-title "Fair Trade Act", as said Sections were enacted by Chapter 211 of the Acts of 1937, be and they are hereby repealed, and that six new Sections, to be known as Sections 115 to 120, inclusive, be enacted in lieu thereof, to read as follows:

115. (a) When used in this Act, the term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer, or the replacement cost of the merchandise to the retailer in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added (1) freight charges not otherwise included in the cost of the merchandise, (2) cartage to retail outlet if done or paid for by the retailer, which cartage cost shall be deemed to be three-fourths ($\frac{3}{4}$) of one per cent. of the cost of the merchandise to the retailer as herein defined, unless said retailer claims and proves a lower cartage cost, and (3) a mark-up to cover in part the cost of doing business, which mark-up, in the absence of proof of a lesser cost, shall be six (6) percent of the total cost at retail outlet.

(b) When used in this Act, the term "cost" to the wholesaler" shall mean the invoice cost of the merchandise to the wholesaler, or the replacement cost of the merchandise to the wholesaler, in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added (1) freight charges not otherwise included in the cost of the merchandise, and (2) cartage to the retail outlet if done or paid for by the wholesaler, which cartage shall be deemed to be three-fourths ($\frac{3}{4}$) of one percent of the cost of the merchandise to the wholesaler as herein defined, unless said wholesaler claims and proves a lower cartage cost.

(c) Where two or more items are advertised, offered for sale or sold at a combined price, the price of each item named