

any item of merchandise at less than cost to the wholesaler, as defined in this Act. Evidence of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him, shall be prima facie evidence of intent to injure a competitor or competitors, or destroy competition. Upon complaint of any person claiming to be injured, the Circuit Court of any county and the Circuit Courts of Baltimore City shall have jurisdiction to enjoin any such retailer or wholesaler from the commission of any act prohibited by the provisions of this Act.

114. The provisions of this Act shall not apply to advertisement or offers to sell, or sales at retail or sales at wholesale:

(a) Where merchandise is sold in bona fide clearance sales, if advertised, marked, and sold as such.

(b) Where merchandise must be sold promptly in order to forestall loss.

(c) Where merchandise is imperfect or damaged, or is being discontinued, and is advertised, marked and sold as such.

(d) Where merchandise is sold upon the final liquidation of any business.

(e) Where merchandise is sold for charitable purposes or to relief agencies.

(f) Where merchandise is sold on contract to departments of the government or governmental institutions.

(g) Where the merchandise is sold by any officer acting under the order or direction of any court.

(h) Where the price of merchandise is made in good faith to meet competition.

115. If any section, sentence, clause, or provision of this Act shall for any reason be held invalid or unconstitutional, the validity of the remaining parts hereof shall not be affected thereby.

SEC. 2. *And be it further enacted*, That Chapter 211 of the Acts of 1937 and Chapter 248 of the Acts of 1939 be and they are hereby repealed, and that all other laws or parts of laws inconsistent with the provisions of this Act be and they are hereby repealed to the extent of such inconsistency.

SEC. 3. *And be it further enacted*, That this Act shall take effect June 1st, 1941.

Approved April 28, 1941.