

Act", said new sections to be known as Sections 115A to 115L, inclusive, to follow immediately after Section 115 thereof, and to read as follows:

*115A. (Acts Prohibited, In General). No retailer or wholesaler, with intent to injure a competitor or competitors, or with intent to destroy or substantially lessen competition, shall sell at retail or wholesale cigarettes at less than cost to the retailer or wholesaler, as the case may be, either directly or indirectly by any means or device whatever, including but not limited to a rebate in price or a concession of any kind in connection with the sale of cigarettes.*

*115B. (Definitions—Persons and Transactions Included, In General). As used in this sub-title: (a) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material except tobacco. Cigarettes shall not be construed to include cigars.*

*(b) "Retailer" includes any person in the business of making sales of cigarettes at retail in this State whether at a store, stand, booth or concession or through vending machines or otherwise.*

*(c) "Wholesaler" includes any person in the business of making sales of cigarettes at wholesale in this State whether such cigarettes have been purchased directly from the manufacturer or from any other person.*

*(d) "Vending Machine Operator" includes any person who shall sell, barter, exchange, offer for sale, have in possession with intent to sell tobacco products, at retail exclusively, through the medium of a vending machine or any mechanical device used for dispensing cigarettes and who shall own and operate vending machines or mechanical devices on 40 or more premises, and shall service said machines by the maintenance of an established place of business for the purchase of cigarettes, including but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.*

*(e) "Sell" includes advertise, offer to sell, or offer for sale.*

*(f) "Sell cigarettes at retail", "Sale of cigarettes at retail" or "Retail sale of cigarettes" and similar expressions include any sale whereby cigarettes are sold for a valuable consideration (including exchange or barter and sales through vending machines) made in the ordinary course of trade or the usual conduct of the seller's business to the purchaser for consumption or use other than resale.*

*(g) "Sell cigarettes at wholesale", "Wholesale sales of cigarettes", "Sales of cigarettes at wholesale", and similar expressions include any sale whereby cigarettes are sold for a valuable consideration, in the ordinary course of trade or in the usual conduct of the seller's business to a retailer (other than a vending machine operator as herein defined) for the bona fide purpose of resale, and include any such transfer of cigarettes on consignment or otherwise where title is retained by the seller as security for the payment of the purchase price.*