

115C. (*Definitions—Cost, in General*). (a) "Cost of the wholesaler" means the basic cost of cigarettes to the wholesaler plus a markup to cover the cost of doing business by the wholesaler plus the full face value of any cigarette taxes payable by the wholesaler on the cigarettes sold. In the absence of satisfactory proof of a lesser cost of doing business by any wholesaler, his cost of doing business shall be presumed to be four per cent. of the basic cost of cigarettes to him. Any fractional part of a cent, amounting to one-tenth of a cent or more, in the cost to the wholesaler per carton of ten packages (or per unbroken case of a single brand sold in case lots by the wholesaler to any single retailer) shall be rounded off to the next higher cent.

(b) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler as the case may be or the replacement cost of cigarettes to the retailer or wholesaler (i.e., the cost for which cigarettes could have been bought by the wholesaler or retailer at any time within 30 days prior to the date of sale by the wholesaler or retailer if bought in the same quantity as the last purchase made by him), whichever is lower, plus in-freight charges to the wholesaler not otherwise included in invoice or replacement cost, less all trade discounts and discounts for cash, plus cartage to the retailer if done or paid for by the wholesaler or the retailer as the case may be. In the absence of satisfactory proof of a lesser amount, cartage shall be presumed to be three-fourths of one per cent. of the sum of invoice cost or replacement cost, whichever is lower, as aforesaid, plus in-freight charges as aforesaid, if any, minus all trade discounts and discounts for cash.

(c) "Cost to the retailer" means the basic cost of cigarettes to the retailer plus a markup to cover the cost of doing business by the retailer. In the absence of satisfactory proof of a lesser cost of doing business by any retailer, the cost of doing business by the retailer shall be presumed to be 8 per cent. of the basic cost of cigarettes to the retailer. Any fractional part of a cent per carton of ten packages amounting to one-tenth of a cent or more in the cost to the retailer as aforesaid shall be rounded off to the next higher cent.

115D. (*Miscellaneous Special Cost Provisions*). (a) (*Sales of Cigarettes at Wholesale on Cash Basis*.) In any sale of cigarettes at wholesale on a cash basis (i.e., where cigarettes are not delivered unless the full price thereof is received by the seller at or before delivery) the presumptive wholesale mark-up of four per cent. provided in sub-section (a) of the preceding section may be reduced to not less than $3\frac{3}{4}\%$.

(b) (*Seller at Both Retail and Wholesale*). Any person who is engaged in the business of making sales both at retail and at wholesale is a retailer as herein defined as to the retail portion of his business, and a wholesaler as to the wholesale portion.

(c) (*Retailer and Vending Machine Operator Receiving Wholesaler Discounts*). Any vending machine operator, as herein defined, and any retailer who purchases cigarettes at prices ordinarily invoiced to a wholesaler and receives the wholesaler's discounts thereon, shall first add to his basic cost of cigarettes the four per cent. mark-up to cover the cost of doing business as a wholesaler, and then, on the resultant sum, the retail mark-up of eight per cent. as herein pro-