

ANY OTHER ITEM AT A COMBINED PRICE, OR IS ADVERTISED, OFFERED AS A GIFT, OR GIVEN WITH THE SALE OF ANY OTHER ITEM, ALL OF THE ITEMS ARE CONSIDERED TO BE ADVERTISED, OFFERED FOR SALE, OR SOLD. THE COST TO THE WHOLESALER AND THE COST TO THE RETAILER, AS THE CASE MAY BE, OF EACH ITEM IS GOVERNED BY §11-401(B) AND (C), RESPECTIVELY, OF THIS SUBTITLE.

REVISOR'S NOTE: This section presently appears as Art. 83, §112(d).

In the first sentence of this section, the phrase "cost to the wholesaler and the cost to the retailer" is substituted for "price" since the former uses the terms that are actually defined in the referenced §11-401.

The only other changes are in style.

11-404. SALE AT LESS THAN COST PROHIBITED.

(A) PROHIBITION.

A RETAILER OR WHOLESALER WITH INTENT TO INJURE A COMPETITOR OR TO DESTROY COMPETITION MAY NOT ADVERTISE, OFFER TO SELL, OR SELL AT RETAIL SALE OR WHOLESALE SALE ANY ITEM OF MERCHANDISE AT LESS THAN ITS COST TO THE RETAILER OR ITS COST TO THE WHOLESALER, RESPECTIVELY.

(B) EVIDENCE.

PROOF OF AN ADVERTISEMENT, OFFER TO SELL, OR SALE OF AN ITEM OF MERCHANDISE BY A RETAILER OR WHOLESALER AT LESS THAN ITS COST TO THE RETAILER OR ITS COST TO THE WHOLESALER, RESPECTIVELY, IS PRIMA FACIE EVIDENCE OF INTENT TO INJURE A COMPETITOR OR TO DESTROY COMPETITION.

REVISOR'S NOTE: This section presently appears as the first two sentences of Art. 83, §113.

The terms "cost to the retailer" and "cost to the wholesaler" are substituted for "his cost," since the former terms are those actually defined in §11-401.

The only other changes are in style.

11-405. INJUNCTION.

ON COMPLAINT OF A PERSON WHO CLAIMS TO BE INJURED, A CIRCUIT COURT HAS JURISDICTION TO ENJOIN A RETAILER OR WHOLESALER FROM THE COMMISSION OF AN ACT PROHIBITED BY THIS SUBTITLE.