

and

(4) That the seller will not sell the commodity to any wholesaler, unless the wholesaler, in turn, agrees not to resell the commodity:

(i) To any retailer, unless the retailer, in turn, will agree not to resell the commodity except to consumers for use and at not less than the stipulated minimum price; and

(ii) To any other wholesaler, unless the other wholesaler, in turn, will make the same agreement with any wholesaler or retailer to whom he resells the commodity.

11-105. Provisions prohibited in resale contracts.

A contract which contains any of the provisions enumerated in §11-104 of this subtitle may not preclude the resale of a commodity covered by the contract without reference to the contract if:

(1) (i) The owner's stock is being closed out for the bona fide purpose of discontinuing dealing in the commodity;

(ii) Plain notice of that fact is given to the public; and

(iii) The owner of the stock has given to the producer or distributor of the commodity prompt and reasonable written notice of his intention to close out the stock and an opportunity to purchase it at the original invoice price;

(2) (i) The commodity is altered, secondhand, damaged, defaced, or deteriorated;

(ii) Plain notice of that fact is given to the public in the advertisement and sale of the commodity; and

(iii) The notice is conspicuously displayed in each advertisement and affixed to the commodity; or

(3) The resale is by an officer acting under an order of court.

11-106. Actions violating retail price restrictions.

(a) Purpose of section.

The purpose of this section is to prevent evasion of a valid resale price restriction imposed on a commodity.

(b) Violations.