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§11–502.

(a) This subtitle does not apply to a retail sale of cigarettes or a wholesale sale of cigarettes, if they are sold:

(1) At a bona fide clearance sale, are so advertised and marked, and the quantity is accurately, clearly, and conspicuously stated in all advertising of the sale and on signs conspicuously posted where the sale takes place;

(2) As imperfect, damaged, or being discontinued, are so advertised and marked, and the quantity is accurately, clearly, and conspicuously stated in all advertising of the sale and on signs conspicuously posted where the sale takes place;

(3) On the complete and final liquidation of the business of the seller;

(4) Under an order, direction, or supervision of a court; or

(5) Subject to subsection (b) of this section, by a retailer or wholesaler at a price set in good faith to meet the competition of another retailer or wholesaler who is rendering the same type of service as the seller, if the price of the competitor which the seller desires to meet is lawful.

(b) For purposes of subsection (a)(5) of this section, the price of cigarettes sold under subsection (a)(1) through (4) of this section is not the lawful price of a competitor.

(c) In calculating the basic cost of cigarettes purchased at a sale under subsection (a)(1) through (4) of this section or at any other sale outside the ordinary channels of trade, a retailer or wholesaler shall use, instead of invoice costs, the replacement cost of the cigarettes based on the quantity last purchased by him through the ordinary channels of trade.

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