

Baxter Performance USA Minimum Advertised Pricing Policy/Agreement

A Minimum Advertised Price (MAP) on all Baxter Performance (BP) products will be in effect. International accounts must reflect pricing as translated into their local currency.

Baxter Performance has been building brand of strong recognition and a high perceived value since 2016. By not adhering to the established Minimum Advertised Price (MAP) a reseller can have a dramatic effect of diminishing or detracting from the perceived value of the Baxter Performance brand and its products. The internet, with its worldwide impact, has the possibility to cause great harm to any companies' products, if they are advertised at prices that will eliminate any legitimate retail competition. Our MAP pricing policy is intended for consumers to purchase from other resellers based on loyalty and customer care expectations. Therefore, if Baxter Performance agrees to allow your company to sell its products, you will need to agree and abide by the following requirements and restrictions. The MAP policy shall work under the following guidelines:

- 1) The Minimum Advertised Price for any BP product shall not be less than 10% below the current Manufacturer's Suggested Retail Price (MSRP) as Published on the BP price sheet. MAP pricing is established by BP and may be adjusted by BP at its sole discretion.
- 2) The MAP for all BP products shall be no more than the MSRP provided in the Baxter Performance Price Sheet.
- 3) The MAP policy applies to all advertisements of BP products in any and all media, including, but not limited to, flyers, posters, coupons, mailers, inserts, newspapers, magazines, catalogs, mail order catalogs, Internet or similar electronic media, television, radio, and public signage.
- 4) The MAP policy is not applicable to
 - 1) Any in-store advertising that is displayed only in the store and not distributed to any customer(s) outside of their store.
 - 2) Any email newsletters sent to your customer database.
- 5) The inclusion in advertising of free or discounted products (whether made by BP or another manufacturer) with a product covered by the MAP policy would be contrary to the policy if it has the effect of discounting the advertised price of the covered product below the MAP.

6) If pricing is displayed in other than a brick and mortar retail store, any strike-through or other alteration of the Minimum Advertised Price is prohibited.

7) MAP applies only to advertised prices and does not apply to the price at which the products are actually sold or offered for sale to an individual consumer within the dealer's retail location or over the telephone. BP dealers and sales representatives remain free to sell these products at any price they choose.

8) MAP does not establish maximum advertised prices. All dealers and sales representatives may offer BP products at any price in excess of the MAP.

9) BP's MAP policy does not in any way limit the ability of any dealer to advertise that "they have the lowest prices" or, they "will meet or beat any competitors' price", that consumers should "call for a price" or phrases of similar import as long as the price advertised or listed for the products is not less than MAP.

10) Dealer agrees to hold all trademarks and copyrights of Baxter Performance as the property of Baxter Performance and use advertising materials provided by Baxter Performance in an authorized manner only.

11) Intentional or repeated failure to abide by this policy will result in termination of dealership or sales representatives. BP does not intend to do business with dealers or sales representatives who degrade the image of BP and its products. It is BP's sole discretion whether or not to provide prior notice or issue warnings before taking any action under this policy.

12) E-Bay and Other Auction Web Sites Policy:

- "Buy it Now" options must be listed at a price equal to MAP or greater.
- For auctions the reserve and/or opening bids must start at MAP without a "Buy it Now" option.
- Best Offer Auctions Are Not Allowed

13) Negotiated Contracts : From time to time it may be explicitly approved by Baxter Performance in writing to sell certain BP products at below MAP pricing. The discount amount and length of time will be determined at the time of this approved promotion by Baxter Performance Inc.

14) BP may run a sale from time to time and in such case the MAP will be the same as the sale price on those particular items and on those particular dates. BP will send out a notice in advance with details of the special.

15) BP straws may be advertised as free, provided there is no obligation on the customer to make any other purchase in order to receive the straw.

16) Sales representatives of BP products will supply a copy of the BP MAP policy to any new or existing reseller to be filled out, acknowledged and returned to BP. This form shall be signed and returned to BP and in doing so, will bind the reseller to abide by the MAP and reseller requirements spelled out in this document.

MAP Agreement Confirmation

This MAP policy has been established by BP to help ensure the legacy of BP as a top producer of glass drinking straws and accessories and to protect the reputation of its name and products. The MAP policy is also designed to ensure dealers and sales representatives have the incentive to invest resources into services for BP customers. Please indicate your understanding of this policy and your willingness to abide by its terms and conditions by signing and listing the name of your company below.

Agreed to by:

Company
name:

Any and all other names by which this company operates (including names used on Ebay, Amazon, etc:

Principal name printed:

Principal Signature:

Date signed:

Dealer Address:

Dealer City/State/Postal Code:

Phone:

Email:

Website URL:

If in agreement with this policy, then please fill out the requested information and sign it. You may scan the 4th page and email to: info@baxterperformanceusa.com

IMPORTANT:

As of November 1, 2021, no shipments will be made to any wholesaler or distributor
Without having completed this form and returning it to Baxter Performance.