

## Unilateral Price Policy **Unilateral Price Policy!**

Maryland Antitrust Act - Establishment of Minimum Sale Price for Commodities or Services - Prohibited.

PWA will attempt to provide information regarding M.A.P. and Unilateral Pricing whenever possible. If you are participating in any of these types of programs, you should consult your attorney for up to the minute advice. PWA does not offer any legal advice or opinion and each company should seek legal advice from your own attorney.

On April 14, 2009, Maryland Governor Martin O'Malley signed into law a bill that made vertical agreements on minimum consumer price an unreasonable restraint of trade under the Maryland Antitrust Act.

This bill was passed in reaction to the 2007 United States Supreme Court decision, *Leegin Creative Leather Products, Inc. vs. PSKS, Inc.*, 127 S. Ct. 2705. The *Leegin* decision reversed the Court's 96 year ban prohibiting vertical resale price agreements, replacing it with the more lenient Rule of Reason standard. This legislative change in Maryland increases the likelihood of both public and private actions against manufacturers whose resale price maintenance strategy crosses the line from unilateral to bilateral conduct.

For the full text of the law, please go to: <http://mlis.state.md.us/2009rs/billfile/sb0239.htm> or contact Chris Finnerty at 617-573-4723 and [chris.finnerty@nelsonmullins.com](mailto:chris.finnerty@nelsonmullins.com)

Manufacturers with a Unilateral Price Policy:

ACC PERFORMANCE  
 ADVANCED FLOW ENGINEERING  
 AEM  
 BD DIESEL PERFORMANCE  
 BULLY DOG TECHNOLOGIES  
 CFMPLUS, LLC  
 DISC BRAKES AUSTRALIA  
 EDGE PRODUCTS  
 FASS FUEL SYSTEMS  
 GRANATELLI MOTORSPORTS  
 MSD IGNITION  
 ROLL-N-LOCK CORPORATION  
 S & B FILTERS  
 SCT, LLC  
 TURBONETICS  
 TURBOSMART USA

## MAP Minimum Advertised Price Program MAP

MAP is a suppliers' policy that its channel members are not permitted to advertise prices below some specified amount (the minimum advertised price). MAP programs are often incorporated into the suppliers cooperative advertising policy. Get your MAP logo at [www.pwa-par.org/advertising](http://www.pwa-par.org/advertising). **We appreciate the 93 PWA Manufacturer Members that have a MAP Policy:**

ACCESS BY ACI  
 ADVANCED CLUTCH TECHNOLOGY  
 ADVANCED FLOW ENGINEERING  
 AED PERFORMANCE PRODUCTS  
 AEM  
 AIRAID FILTER COMPANY  
 AMERICAN AUTO ACCESSORIES  
 ANDERSEN MANUFACTURING  
 ANSA AUTOMOTIVE PARTS  
 ANSEN ENTERPRISES  
 ATS DESIGN  
 AUTO METER PRODUCTS  
 B + G SUSPENSION SYSTEMS  
 BBK PERFORMANCE  
 BD DIESEL PERFORMANCE  
 BEDRUG  
 BELLTECH / KW AUTOMOTIVE  
 BODY ARMOR / TOLAR MFG  
 BORGESON UNIVERSAL  
 BULLY DOG SALES & DISTRIBUTION  
 BUSHWACKER  
 COMPETITION CAMS  
 COMPETITION CLUTCH  
 DIABLOSPORT, INC.  
 DISC BRAKES AUSTRALIA  
 DOUG THORLEY HEADERS  
 DREW TECHNOLOGIES  
 EDGE PRODUCTS  
 EXEDY GLOBALPARTS  
 EXTANG CORPORATION  
 FABTECH MOTORSPORTS

FASS FUEL SYSTEMS  
 FLEX-A-LITE CONSOLIDATED  
 FLITZ INTERNATIONAL  
 G-FORCE RACING GEAR  
 GIBSON PERFORMANCE EXHAUST  
 GRANATELLI MOTOR SPORTS  
 HAWK PERFORMANCE  
 HUSHMAT  
 HYPERTECH  
 INJEN TECHNOLOGY  
 IPCW / IN PRO CAR WEAR  
 JE PISTONS  
 JONES EXHAUST SYSTEMS  
 K & N ENGINEERING  
 MACNEIL AUTOMOTIVE  
 MAGNAFLOW PERFORMANCE  
 MBRP INC.  
 MEZIERE ENTERPRISES  
 MOTOR CITY AUTOMOTIVE PRODUCTS  
 MSD IGNITION  
 OPTIMA BATTERIES  
 P I A CORPORATION, USA  
 PACE EDWARDS  
 PERFORMANCE ANALYSIS  
 PJ1...PJH BRANDS  
 POP & LOCK CORPORATION  
 POWER SLOT / POWER PERF  
 PRO PARTS LLC  
 PROBE RACING COMPONENTS  
 PRW  
 RACEQUIP / SAFE-QUIP

RAMSEY WINCH COMPANY  
 RANCHO / DYNOMAX  
 RBP INC. / ROLLING BIG POWER  
 READYLIFT SUSPENSION  
 REVTEK INDUSTRIES  
 ROLL-N-LOCK CORPORATION  
 ROYAL PURPLE LTD.  
 S & B FILTERS  
 SCT, LLC  
 SKYJACKER SUSPENSIONS  
 SNOW PERFORMANCE  
 STAMPEDE PRODUCTS  
 STEWART WARNER PERFORMANCE  
 STS TURBO  
 SUPERCHIPS  
 SUPERLIFT SUSPENSION  
 SYNAPSE ENGINEERING  
 THE HOFFMAN GROUP INTERNATIONAL  
 TIMBREN INDUSTRIES  
 TOTAL COST INVOLVED  
 T-REX GRILLES  
 TRUCK COVERS USA  
 TRUE FLOW  
 TRUXEDO  
 TURBONETICS  
 TURBOSMART USA  
 VEHICLE PERFORMANCE SYSTEMS  
 VHT - DUPLICOLOR  
 VIBRANT PERFORMANCE  
 VOLANT COOL AIR INTAKES  
 WESTIN AUTOMOTIVE PRODUCTS