

DERMA·E



## UNITED STATES MINIMUM ADVERTISED PRICE POLICY

**Effective Date: September, 2019**

DERMA E has determined that advertising its Products at prices below certain levels undermines DERMA E's trade reputation, brand, and image and discourages DERMA E resellers from investing in the growth of DERMA E's product lines and providing the best possible service and support to consumers.

Therefore, DERMA E has adopted this unilateral United States Minimum Advertised Price ("MAP") Policy (the "Policy"), which applies to all Advertisements (as defined below) of DERMA E Products by all distributors, retailers, dealers, and other resellers of DERMA E products in the United States (hereinafter, "Resellers").

### MINIMUM ADVERTISED PRICE

The MAP will be established solely by DERMA E and will be communicated to all Resellers of DERMA E Products. The Products, Suggested Retail Prices ("SRPs"), and MAP may be changed from time to time at DERMA E's sole discretion. If DERMA E changes the MAP on any Product, it will provide at least 30 days' notice to Resellers before such change takes effect.

The Policy is not intended to control, influence, determine, limit, or affect in any way the prices at which Resellers sell DERMA E products to consumers. The Policy is strictly limited to restrictions on advertised prices. Each Reseller remains free to determine its own resale price for DERMA E products.

It is a violation of this Policy for a Reseller to advertise any DERMA E Product(s) at a price lower than the published MAP.

This Policy applies to all advertisements of DERMA E Products in any and all media as well as any advertising within brick and mortar retail stores or other selling venues.

An "Advertisement" includes any and all promotional or pricing information displayed via any type of media, marketing, or promotional materials, including, without limitation:

- flyers, posters, coupons, mailers, inserts, newspapers, magazines, catalogs, mail order catalogues, television, radio, public signage, billboards; and
- all forms of Internet advertising, including, without limitation, all website pages and banners, social media, emails, blogs, portal sites (search engines - Google, Yahoo, etc.), and click-through search engines, whether or not products are sold from those sites.

Direct or indirect attempts to circumvent this Policy will be considered a violation of this Policy. Such attempts may include, but are not limited to:

- Coupons, discounts, rebate offers, or other inducements that advertise a price lower than the MAP;

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- Advertisements that bundle or include free or discounted DERMA E products with other products or services if such bundling has the effect of discounting the advertised price of the DERMA E product below the MAP; and
- Any other Reseller-initiated communication or form of advertisement that has the effect of advertising a price below the MAP, such as a price-off coupon, storewide sale, promotional code or other similar items that can be applied to DERMA E Products or from which DERMA E Products are not excluded.

It is not a violation of this Policy to advertise that a customer may “call for price” or “email for price” or use similar language as long as no price is listed. Use of phrases that advertise “the lowest prices,” “will match or beat competitor’s prices,” or similar phrases also do not violate this Policy so long as the Reseller does not include any advertised price below the MAP.

## **INTERNET SALES**

Reseller shall not market or offer for sale the Products on any website or fulfill Reseller’s sales of Products through any website without prior written consent from DERMA E, which is granted solely through the execution by DERMA E of the Authorized Online Reseller Agreement. Execution by DERMA E of the Authorized Online Reseller Agreement constitutes the only means of providing consent to sell Products online. No DERMA E employee or agent may authorize online sales through oral statements, other written agreement, or by any other means. Selling on third-party marketplace sites (e.g., ebay, Amazon, Walmart Marketplace, Sears Marketplace), drop-ship accounts (e.g. Rakuten.com, Newegg.com, Overstocking.com, Jet.com), classified sites (e.g. Craigslist.com, Facebook Marketplace), or via direct messages on Internet forums is strictly prohibited. Violation of this paragraph is considered a material breach of this policy and may result in DERMA E’s block on Reseller’s account.

## **POLICY VIOLATIONS**

DERMA E will monitor and review Resellers’ Advertisements for violations of this Policy. Violations of the Policy shall be determined by DERMA E in its sole discretion. Resellers have no right to enforce the Policy and DERMA E will not communicate with any Reseller or third party regarding violations of this Policy by others.

DERMA E reserves the right to impose penalties if DERMA E believes that:

- i. A Reseller has violated the provisions of this Policy; or
- ii. A Reseller has engaged in any activity that DERMA E determines, in its sole discretion, is designed or intended to circumvent the intent of this Policy.

Specifically, DERMA E will take the following actions, which apply to all Resellers, should a Reseller fail to comply with the Policy:

1. First Violation: DERMA E will block Reseller’s account for 30 days after sending notice of the violation.

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2. Second Violation: DERMA E will suspend Reseller's account for a period of 90 days after sending notice of the violation and will suspend wholesale discounts to Reseller, and/or Reseller's supplier for a period of 6 months.
3. Third Violation: DERMA E will cease doing business with the Reseller.

DERMA E may not provide prior notice before taking action under this Policy.

## POLICY MODIFICATIONS

DERMA E reserves the right at any time to modify, suspend, or discontinue this MAP Policy, in whole or in part, or to designate promotional periods during which the terms of the Policy change or are not applicable. DERMA E will provide notice of any such actions to all Resellers.

No DERMA E employee or agent is authorized to modify, interpret, or grant exceptions to this Policy for any Reseller. No person has authorization to modify this Policy or to solicit or obtain agreement of any person to this Policy, and any such modification or agreement is invalid. Any questions about this Policy should be submitted in writing and directed to DERMA E's MAP team at: [complianceteam1@dermae.com](mailto:complianceteam1@dermae.com) or 2130 Ward Ave., Simi Valley CA 93065.

## UNILATERAL ACTION

This Policy does not constitute an agreement between any Reseller or other party and DERMA E. DERMA E is not seeking, and will not accept, any agreement or other assurance of compliance from any Reseller or other party to adhere to this MAP Policy. It is entirely within the discretion of the Reseller whether to comply or not comply. This Policy is non-negotiable and will not be modified for any reseller.

SKU	SIZE	DERMA E PRODUCT DESCRIPTION	UPC CODES	RETAIL PRICE	MAP PRICE
		<b>HYDRATING</b>			
0456	½ oz	Ultra Hydrating Alkaline Water Eye Gel	030985004564	<b>\$18.95</b>	<b>\$15.16</b>
0458	1 fl oz	Ultra Hydrating Alkaline Gel Booster	030985004588	<b>\$22.50</b>	<b>\$18.00</b>
0460	25 count	Hydrating Facial Micellar Wipe	030985004601	<b>\$7.99</b>	<b>\$6.39</b>
0461	6 fl oz	Hydrating Gentle Cleanser	030985004618	<b>\$15.50</b>	<b>\$12.40</b>
0469	2 fl oz	Hydrating Mist	030985004694	<b>\$13.50</b>	<b>\$10.80</b>
0467	2 fl oz	Ultra Hydrating Serum	030985004670	<b>\$29.50</b>	<b>\$23.60</b>
0465	2 oz	Hydrating Day Cream	030985004656	<b>\$29.50</b>	<b>\$23.60</b>
0466	2 oz	Hydrating Night Cream	030985004663	<b>\$29.50</b>	<b>\$23.60</b>
1975	1/2 oz	Hydrating Eye Cream	030985019759	<b>\$21.50</b>	<b>\$17.20</b>
		<b>ANTI-WRINKLE</b>			
0481	6 fl oz	Anti-Wrinkle Cleanser	030985004816	<b>\$13.75</b>	<b>\$11.00</b>
0482	6 fl oz	Anti-Wrinkle Toner	030985004823	<b>\$13.75</b>	<b>\$11.00</b>
0483	4 oz	Anti-Wrinkle Scrub	030985004830	<b>\$13.75</b>	<b>\$11.00</b>
0486	2 fl oz	Anti Aging Regenerative Serum	030985004861	<b>\$21.95</b>	<b>\$17.56</b>
0480	4 oz	Anti-Wrinkle Renewal Cream	030985004809	<b>\$14.95</b>	<b>\$11.96</b>
0888	2 fl	Anti-Wrinkle Treatment Oil	030985008883	<b>\$13.951</b>	<b>\$11.16</b>
0487	1/2 oz	Anti-Wrinkle Eye Cream	030985004878	<b>\$15.95</b>	<b>\$12.76</b>
2100	2 oz	Anti Aging Regenerative Night Cream	030985021004	<b>\$29.50</b>	<b>\$23.60</b>

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2125	2 oz	Anti Aging Regenerative Day Cream	030985021257	\$29.50	\$23.60
		<b>ESSENTIALS</b>			
1490	2 fl oz	Overnight Peel	030985014907	\$18.75	\$15.00
0690	2 oz	Microdermabrasion Scrub	030985006902	\$32.50	\$26.00
1470	2 fl oz	Nourishing Rose Cleansing Oil	030985014709	\$17.99	\$14.39
1400	2 fl oz	SunKissAlba Radiant Glow Oil	030985014006	\$22.50	\$18.00
1480	5 fl oz	Radiance Toner	030985014808	\$14.95	\$11.96
1485	.14 oz	AshDeleon SPF 30 Mineral Veil	030985014853	\$21.95	\$17.56
1450	1.5 oz	Tinted Moisturizing BB Cream SPF30	030985014501	\$19.95	\$15.96
1455	1.5 oz	Tinted Moisturizing BB Cream SPF30	030985014556	\$19.95	\$15.96
		<b>VITAMIN C</b>			
0355	6 fl oz	Vitamin C Micellar Cleansing Water	030985003550	\$12.95	\$10.36
0356	2 oz	Vitamin C Intense Radiance Citrus Facial	030985003567	\$23.95	\$19.16
0357	4 oz	Vitamin C Gentle Daily Cleansing Paste	030985003574	\$13.95	\$11.16
0358	½ oz	Vitamin C No Dark Circles Perfecting	030985003581	\$18.95	\$15.16
0360	2 fl oz	Vitamin C Renewing Moisturizer	030985003604	\$22.50	\$18.00
0365	2 fl oz	Vitamin C Concentrated Serum	030985003659	\$24.50	\$19.60
0370	2 oz	Vitamin C Intense Night Cream	030985003703	\$22.50	\$18.00
0390	30 ct	Vitamin C Brightening Micellar Wipes	030985003901	\$7.50	\$6.00
10380	0.35 oz	Vitamin C Brightening Clay Mask	030985103809	\$72.00	\$57.60
0380	0.35 oz	Vitamin C Single Use Mask Foil Pack	030985003802	\$4.00	\$3.20
		<b>EVEN TONE</b>			
0603	6 fl oz	Brightening Cleanser	030985006032	\$15.50	\$12.40
0352	2 fl oz	Radiance Brightening Serum	030985003529	\$29.95	\$23.96
0333	2 oz	Radiance Brightening Day Cream SPF 15	030985003338	\$29.95	\$23.96
0334	2 oz	Radiance Brightening Night Cream	030985003345	\$29.95	\$23.96
0375	1/2 oz	Dark Circle Reducing Eye Cream	030985003758	\$29.95	\$23.96
		<b>PURIFYING</b>			
1200	6 fl oz	Purifying Gel Cleanser	030985012002	\$15.50	\$12.40
1230	4 oz	Purifying Daily Detox Scrub	030985012309	\$15.50	\$12.40
1220	1.7 oz	Purifying 2-in-1 Charcoal Mask	030985012200	\$19.50	\$15.60
10220	0.35 oz	Purifying Single Use Mask Display Unit	030985102208	\$72.00	\$57.60
1222	0.35 oz	Purifying Single Use Mask Foil Pack	030985012224	\$4.00	\$3.20
		<b>ADVANCED PEPTIDES &amp; COLLAGEN</b>			
0725	2 fl oz	Advanced Peptides & Collagen Serum	030985007251	\$36.50	\$29.20
0700	2 oz	Advanced Peptides & Collagen Moisturizer	030985007008	\$35.00	\$28.00
0775	1/2 oz	Advanced Peptides & Collagen Eye Cream	030985007756	\$29.95	\$23.96
		<b>FIRMING</b>			
0641	6 fl oz	Firming DMAE Cleanser	030985006414	\$15.50	\$12.40
2041	6 fl oz	Firming DMAE Toner	030985020410	\$15.50	\$12.40
4125	2 fl oz	Firming DMAE Serum	030985041255	\$22.50	\$18.00
4100	2 oz	Firming DMAE Moisturizer	030985041002	\$22.50	\$18.00
4175	1/2 oz	Firming DMAE Eye Lift	030985041750	\$24.95	\$19.96
14200	0.35 oz	Firming Clay Mask Display Unit	030985142006	\$72.00	\$57.60
4200	0.35 oz	Firming Single Use Mask Foil Pack	030985042009	\$4.00	\$3.20
		<b>SENSITIVE SKIN</b>			

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0696	6 fl oz	Sensitive Skin Cleanser	030985006964	\$15.50	\$12.40
0485	2 oz	Sensitive Skin Oil-Free Moisturizer	030985004854	\$29.95	\$23.96
0495	2 oz	Sensitive Skin Moisturizing Cream	030985004953	\$29.95	\$23.96
		<b>ANTI ACNE</b>			
3700	6 fl oz	Acne Deep Pore Cleansing Wash	030985037005	\$15.50	\$12.40
3750	4 oz	Deep Pore Acne Scrub	030985037500	\$13.95	\$11.16
3800	1/2 oz	Acne Spot Treatment	030985038002	\$11.50	\$9.20
3850	2 oz	Acne Blemish Control Treatment Serum	030985038507	\$16.99	\$13.59
3900	2 oz	Very Clear Moisturizing Cream	030985039009	\$19.50	\$15.60
		<b>BODY CARE</b>			
7070	8 oz	Vitamin E Fragrance Free Shea Body	030985070705	\$12.95	\$10.36
7071	8 oz	Vitamin E Lavender Neroli Shea Body	030985070712	\$12.95	\$10.36
7073	2 oz	Vitamin E Lavender Neroli Shea Hand	030985070736	\$7.95	\$6.36
7074	2 oz	Vitamin E Fragrance Free Shea Hand	030985070740	\$7.95	\$6.36
7075	2 oz	Protecting Shea Hand Cream Rosehip	030985070757	\$7.95	\$6.36
7076	8 oz	Protecting Shea Body Lotion Rosehip	030985070764	\$9.99	\$7.99
7077	8 oz	Restoring Shea Body Lotion Lemongrass	030985070771	\$9.99	\$7.99
7078	8 oz	Hydrating Shea Body Lotion Jasmine	030985070788	\$9.99	\$7.99
		<b>THERAPEUTIC TOPICALS</b>			
0445	4 oz	Vitamin E 12,000 IU Cream	030985004458	\$14.95	\$11.96
0520	2 fl oz	Vitamin E Skin Oil 14,000 IU	030985005202	\$11.50	\$9.20
9100	1 fl oz	Tea Tree and Vitamin E Oil	030985091007	\$14.95	\$11.96
9125	4 oz	Tea Tree & Vitamin E Relief Cream	030985091250	\$14.95	\$11.96
9500	8 fl oz	Soothing Relief Lotion	030985095005	\$14.95	\$11.96
0475	2 oz	Skin Brighten	030985004755	\$24.95	\$19.96
8100	2 oz	Scar Gel	030985081008	\$19.95	\$15.96
8700	4 oz	Psorzema® Cream	030985087000	\$19.95	\$15.96
8803	4 oz	Skinbiotics Rescue Cream	030985088038	\$21.95	\$17.56
8910	4 oz	Arnica Warming Sore Muscle Rub	030985089103	\$13.99	\$11.19
		<b>HAIR CARE</b>			
8730	10 fl oz	Scalp Relief Shampoo	030985087307	\$11.75	\$9.40
8740	10 fl oz	Scalp Relief Conditioner	030985087406	\$11.75	\$9.40
6300	10 fl oz	Hydrate & Smooth Nourishing Shampoo	030985063004	\$9.99	\$7.99
6310	10 fl oz	Hydrate & Smooth Nourishing Conditioner	030985063103	\$9.99	\$7.99
6315	10 fl oz	Volume & Shine Restoring Shampoo	030985063158	\$9.99	\$7.99
6320	10 fl oz	Volume & Shine Restoring Conditioner	030985063202	\$9.99	\$7.99
8750	10 fl oz	Thickening Shampoo	030985087506	\$9.99	\$7.99
8760	10 fl oz	Thickening Conditioner	030985087605	\$9.99	\$7.99
		<b>SUNCARE</b>			
0420	2 oz	Sun Defense Mineral Sunscreen SPF 30 Face	030985004205	\$19.75	\$15.80
0421	4 oz	Sun Defense Mineral Sunscreen SPF 30 Body	030985004212	\$19.75	\$15.80
0423	4 oz	Sun Defense Mineral Sunscreen SPF 30 Baby	030985004236	\$19.95	\$15.96
0428	6 fl oz	Ultra Sheer Mineral Body Sunscreen Mist SPF 30	030985004281	\$16.99	\$13.59

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0429	6 fl oz	All Sport Performance Sunscreen Spray SPF 50	030985004298	<b>\$16.99</b>	<b>\$13.59</b>
0431	6 fl oz	Kids Active Sunscreen Spray SPF 50	030985004311	<b>\$19.99</b>	<b>\$15.99</b>
0433	2 oz	All Sport Performance Face Sunscreen SPF 30	030985004335	<b>\$13.95</b>	<b>\$11.16</b>

2130 Ward Ave, Simi Valley, CA 93065 800.521.3342

FAX 805.582.2730

DERMA E [www.dermae.com](http://www.dermae.com)