



FEULING MINIMUM ADVERTISED PRICING POLICY

Updated September 26, 2019

In order to preserve its reputation for providing customers with high value products and strong aftersales support, and to further enhance the Feuling brand image and its competitiveness in the marketplace, Feuling is unilaterally instituting a policy of minimum advertised price standards for Feuling Parts products. This Minimum Advertised Pricing Policy (“MAP Policy”) will become effective May 1st, 2019 and will apply to distributors and retailers, including catalogs and internet retailers (collectively, “Resellers”), who resell Feuling Parts products to end users located in the United States.

Feuling greatly values the efforts of all Resellers to distribute Feuling products and support our customers. This MAP Policy is adopted for the benefit of all Resellers and will be uniformly enforced.

This MAP Policy shall work under the following guidelines:

1. Feuling will, from time to time, publish a Schedule of Manufacturer’s Suggested Retail Prices (“MSRP Schedule”) on its website, which may be amended or adjusted by Feuling at any time in its sole discretion. The MSRP Schedule will identify the effective date, the products and the manufacturer’s suggested retail price (“MSRP”) for those products. Each advertisement of a product identified in the MSRP Schedule below the given MSRP will be a violation of this MAP Policy. Feuling products not specifically identified in the MSRP Schedule are not subject to this MAP Policy.
2. This MAP Policy applies to all advertisements of Feuling products listed on the MSRP Schedule in any and all media, including, but not limited to, flyers, posters, coupons, mailers, inserts, newspapers, magazines, catalogs, mail order catalogs, e-mail newsletters, e-mail solicitations, internet or similar electronic media, television, radio, and public signage. This MAP Policy is not applicable to any in-store advertising that is displayed only in the store and not distributed to any customer(s).
3. The inclusion in advertising of free or discounted products (whether made by Feuling or another manufacturer) with a product covered by this MAP Policy would be contrary to this MAP Policy if it has the effect of discounting the advertised price of the covered Feuling product below the MSRP.
4. If pricing is displayed, any strike-through or other alteration of the MSRP that is paired with a price below the MSRP is prohibited.
5. This MAP Policy applies only to advertised prices and does not apply to the price at which Feuling products are actually sold or offered for sale to an individual consumer within Resellers’ retail location, ecommerce shopping cart or over the telephone. Resellers remain free to sell these products at any prices they choose under these circumstances.
6. This MAP Policy does not establish maximum advertised prices. All Resellers may offer Feuling products at any price in excess of the MSRP.
7. Internet auctions may not display or have reserved bid or other acceptable prices below the MSRP.

8. Pricing listed on an internet site is considered an “advertised price” and must adhere to this MAP Policy. Once the pricing is associated with an intent to purchase (added to shopping cart or order), the price becomes the selling price and is not bound by this MAP Policy. Statements such as “add to basket to see price”, “we will match any price”, “call for price” or phrases of similar import are acceptable as long as the price advertised or listed for the products is not below the MSRP. In addition, discounts applied at checkout to the entire order based on a customer’s purchasing history with the Reseller, such as discounts for “frequent shoppers”, do not violate this MAP Policy.
9. This MAP Policy is solely within Feuling’s discretion and authority acting through the duly authorized managers of Feuling. No employee or sales representative of Feuling has any authority to discuss, modify or grant exceptions to this MAP Policy. Any representation or action by any employee, sales representative or persons not specifically authorized to discuss, modify or grant exceptions to this MAP Policy under this paragraph is unauthorized and invalid. All questions about this MAP Policy should be in writing and directed via U.S. Mail to MAP Policy Administrator, Feuling Parts, 3740 Oceanic Way, suite 304, Oceanside, CA 92056 or via e-mail to map@feulingparts.com who will respond only in writing. No oral communications about this MAP Policy are authorized. The MAP Policy Administrator shall be solely responsible for determining whether a violation of the policy has occurred, communicating decisions to Resellers regarding the policy and receiving any communications regarding sanctions imposed under this MAP Policy. Any action taken by Feuling under this MAP Policy shall be without liability to Feuling.
10. From time to time, Feuling may choose to offer special promotions on certain products. In such an event, we reserve the right to modify or suspend this MAP Policy in whole or in part by notifying all Resellers of the duration and nature of the change. Feuling further reserves the right to adjust the MSRP with respect to all or certain products at its sole discretion. Such changes shall apply equally to all Resellers.
11. Intentional and/or repeated failure to abide by this MAP Policy will result in sanctions unilaterally imposed by Feuling. The level of sanctions will be determined by Feuling in its sole discretion and may include loss of discounts, embargos and ultimately indefinite termination of dealership or distributorship. Feuling does not intend to do business with Resellers who degrade the image of Feuling and its products. Feuling need not provide prior notice or issue warnings before taking any action under this MAP Policy.
12. This MAP Policy has been established by Feuling to help ensure the legacy of Feuling as a top producer of high performance, high quality products and to protect the reputation of its name and products. This MAP Policy is also designed to avoid destructive intra-brand conflict and to ensure that dealers and distributors have the incentive to invest resources into services for Feuling customers.

