

## Regulations Relating to Trade

## CHAPTER 325

## REGULATION OF MANUFACTURES AND SALES

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**325.01 DEFINITIONS.** Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 to 7, for the purposes of sections 325.02 to 325.07, shall be given the meanings subjoined to them; the words, terms, and phrases defined in subdivisions 8 to 12, for the purposes of sections 325.08 to 325.14, shall be given the meanings subjoined to them; the words, terms, and phrases defined in subdivisions 13 and 14, for the purposes of sections 325.15 to 325.24, shall be given the meanings subjoined to them; the words, terms, and phrases defined in subdivisions 15 to 19, for the purposes of sections 325.25 to 325.33, shall be given the meanings subjoined to them; and the words, terms, and phrases defined in subdivisions 20 to 22, for the purposes of sections 325.34 to 325.37, shall be given the meanings subjoined to them.

Subdivision 2. **Retailer.** The term "retailer" means any person, partnership, firm, corporation, or association, foreign or domestic, selling any commodity, article, goods, wares, or merchandise to the consumer and not for the purpose of re-sale in any form.

Subdivision 3. **Wholesaler.** The term "wholesaler" means any person, firm, or corporation, partnership, association, business trust, or any unincorporated organization, selling or supplying any commodity, article, goods, wares, or merchandise to retailers, industrial buyers, restaurants, institutions, or the selling on the part of one wholesaler to another wholesaler.

Subdivision 4. **Manufacturers or producers.** Creameries, canneries, and other processors of agricultural products are defined to be manufacturers or producers and are not included within the meaning of the term "wholesaler."

Subdivision 5. **Cost.** The term "cost," as applied to the wholesale or retail vendor, means:

(1) The actual current delivered invoice or replacement cost, whichever is lower, not including customary cash discounts, plus the cost of doing business at that location by the vendor;

(2) Where a manufacturer publishes a list price and discounts, in determining such "cost" the manufacturer's published list price and discounts then currently in effect plus the cost of doing business by the vendor shall be prima facie evidence of "cost."

Subdivision 6. **Customary cash discounts.** The term "customary cash discounts" means any allowance, not exceeding two per cent, whether a part of a larger discount or not, made to the wholesale or retail vendor, where the whole-sale or retail vendor pays for merchandise within a limited or specified time.

Subdivision 7. **Cost of doing business or overhead expense.** The "cost of doing business" or "overhead expense" is defined as all current costs of doing business incurred in the conduct of such business and must include, without limitation, the following items of expense: Labor, including salaries and bonuses of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance, and advertising, and other fixed and incidental expenses.

The "cost of doing business" including, without limitation, these items of expenses incurred in the conduct of such business during the calendar year or the 12 months immediately preceding any alleged violation of sections 325.02 to 325.07; or, in the event any retailer or wholesaler shall have been engaged in business within the state for a shorter period of time, then such cost for such period of time immediately preceding any alleged violation thereof shall be prima facie evidence of "cost."

Subdivision 8. **Commodity.** "Commodity" means any subject of commerce.

Subdivision 9. **Producer.** "Producer" means any grower, baker, maker, manufacturer, bottler, packer, converter, processor, or publisher.

Subdivision 10. **Wholesaler.** "Wholesaler" means any person selling a commodity other than a producer or retailer.

Subdivision 11. **Retailer.** "Retailer" means any person selling a commodity to consumers for use.

Subdivision 12. **Person.** "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization.

Subdivision 13. **Person.** "Person" means any individual, firm, corporation, partnership, association, trustee, receiver, or assignee for the benefit of creditors.

Subdivision 14. **Sell, sold, buy, and purchase.** "Sell," "sold," "buy," and "purchase" include exchange, barter, gift, and offer of contract to sell or buy.

Subdivision 15. **Bedding.** "Bedding" means any mattress, upholstered spring, comforter, pad, cushion, or pillow designed and made for use in sleeping or reclining purposes.

Subdivision 16. **Person.** "Person" includes individuals, corporations, partnerships, joint stock companies, or other business associations who are manufacturers or dealers in bedding.

Subdivision 17. **New.** "New" means any material or article that has not previously been used in the manufacture of bedding articles, or for any other purpose.

Subdivision 18. **Second-hand.** The term "second-hand" means any material or article that has been previously used in the manufacture of bedding or for any other purpose.

Subdivision 19. **Shoddy.** "Shoddy" means any material that has been spun into yarn, knit or woven into fabric and subsequently cut up, broken up, or ground up.

Subdivision 20. **Cotton duck or canvas.** "Cotton duck" or "canvas" includes all cotton duck or canvas, whether single filling, double filling, army roll, or wide duck.

Subdivision 21. **Yard.** The equivalent of 36 inches in length by 29 inches in width, or seven and one-fourth square feet, of cotton duck or canvas shall constitute a yard.

Subdivision 22. **Ounce.** An "ounce" shall be one-sixteenth of a pound avoirdupois.

[1913 c. 167 ss. 1, 2; 1929 c. 358 s. 1; 1937 c. 116 ss. 2, 3; 1937 c. 117 s. 1; 1937 c. 412 s. 13; 1937 c. 456 s. 1; 1939 c. 403 s. 2; 1941 c. 326 s. 2] (3966) (3967) (3976-1) (3976-42) (3976-51) (3976-83)

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**325.02 APPLICATION.** Section 325.03 shall apply only to the manufacture, production, or distribution of any commodity, article, goods, wares, or merchandise in general use or consumption. Sections 325.04 to 325.06 shall apply only to the selling, offering, or advertising for sale, giving away or offering or advertising the intent to give away of any commodity, article, goods, wares, or merchandise, in wholesale or retail trade.

[1937 c. 116 pt. 1 s. 1; 1937 c. 116 pt. 2 s. 1] (3976-37) (3976-40)

**325.03 DISCRIMINATION UNLAWFUL.** Any person, partnership, firm, or corporation, foreign or domestic, doing business in the state and engaged in the production, manufacture, or distribution of any printed or mimeograph matter, commodity, article, goods, wares, or merchandise in general use or consumption, that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, article, goods, wares, or merchandise or to prevent the competition of any person, firm, or corporation who or which, in good faith, intends and attempts to become such dealer, shall discriminate between different sections, communities, or cities of this state by selling or furnishing such commodity, article, goods, wares, or merchandise at a lower price or rate in one section, community, or city, or any portion thereof, than such person, firm, or corporation, foreign or domestic, charges for such commodity, article, goods, wares, or merchandise in another section, community, or city, or any portion thereof, after making allowance for difference, if any, in the grade, quality, or quantity after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be guilty of unfair discrimination; provided, that sections 325.01 to 325.07 shall not prevent any person, firm, or corporation from, in good faith, meeting local competition within any one section, community, village, or city. The inhibition hereof against locality discrimination shall embrace any scheme of special rebates, collateral contracts, or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of sections 325.01 to 325.07.

[1937 c. 116 pt. 1 s. 2] (3976-38)

**325.04 SELLING BELOW COST FORBIDDEN.** Any retailer or wholesaler, engaged in business within this state, who sells, offers for sale or advertises for sale, any commodity, article, goods, wares, or merchandise at less than the cost thereof to such vendor, or gives, offers to give or advertises the intent to give away any commodity, article, goods, wares, or merchandise for the purpose or with the effect of injuring competitors and destroying competition, shall be guilty of unfair discrimination; and, upon conviction, subject to the penalty therefor provided in section 325.48, subdivision 1.

Any retailer or wholesaler who sells goods in any part of this state at prices lower than those exacted by the person elsewhere in the state for like qualities and grades and where the effect of such lower prices may be substantially to lessen competition or tend to create a monopoly in any line of business, or to injure, destroy, or prevent competition with the person selling at such lower prices, shall be guilty of unfair competition and subject to the penalties of section 325.48, subdivision 1; provided, that nothing shall prevent differentials in prices in different localities which make only due allowances for differences in "cost of doing business" or "overhead expense" and in costs of delivery for such goods to different localities; nor differences in prices made in good faith to meet legal competition of any other person in such locality.

The inhibition against sales below cost or locality discrimination shall embrace any scheme of special rebates, collateral contracts, or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of sections 325.01 to 325.07.

[1937 c. 116 pt. 2 s. 2; 1939 c. 403 s. 1; 1941 c. 326 s. 1] (3976-41)

**325.05 BANKRUPT SALES NOT TO BE CONSIDERED IN FIXING COSTS.** In establishing the cost of a given article, goods, wares, or merchandise to the vendor, the invoice cost of the article, goods, wares, or merchandise purchased at a forced, bankrupt, close-out, or other sale outside of the ordinary channels of trade may not be used as a basis for justifying a price lower than one based upon the replacement cost as of date of the sale of the article, goods, wares, or merchandise replaced through the ordinary channels of trade, unless the article, goods, wares, or merchandise is kept separate from goods purchased in the ordinary channels of trade and unless the article, goods, wares, or merchandise is advertised and sold

as merchandise purchased at a forced, bankrupt, or close-out sale, or by means other than through the ordinary channels of trade, and the advertising shall state the conditions under which the goods were so purchased and the quantity of such merchandise to be sold or offered for sale.

[1937 c. 116 pt. 2 s. 4] (3976-43)

**325.06 CLOSING OUT SALES.** The provisions of section 325.01, subdivisions 2 to 6, and sections 325.04 and 325.05 shall not apply to any sale made:

(1) In closing out in good faith the owner's stock, or any part thereof, for the purpose of discontinuing his trade in any such stock or commodity, and in case of the sale of seasonal goods or merchandise where style is the paramount feature or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation, provided notice is given to the public thereof;

(2) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(3) By an officer acting under the orders of any court;

(4) In an endeavor made in good faith to meet the legal prices of a competitor selling the same commodity, articles, goods, wares, or merchandise in the same locality or trade area.

[1937 c. 116 pt. 2 s. 6; 1939 c. 403 s. 3; 1941 c. 326 s. 3] (3976-45)

**325.07 REMEDIES CUMULATIVE.** The remedies herein provided shall be cumulative to all other remedies provided by law.

[1937 c. 116 pt. 3 s. 3; 1939 c. 403 s. 6] (3976-48)

**325.08 CERTAIN CONTRACTS NOT TO BE IN VIOLATION OF LAW.** No contract relating to the sale or re-sale of a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity, and which commodity is in free and open competition with commodities of the same general class produced or distributed by others, shall be deemed in violation of any law of the state by reason of any of the following provisions which may be contained in such contract:

(1) That the buyer will not resell such commodity at less than the minimum price stipulated by the seller;

(2) That the buyer will require of any dealer to whom he may resell such commodity an agreement that he will not, in turn, resell at less than the minimum price stipulated by the seller;

(3) That the seller will not sell such commodity:

(a) To any wholesaler, unless such wholesaler will agree not to resell the same to any retailer unless the retailer will, in turn, agree not to resell the same except to consumers for use and at not less than the stipulated minimum price, and such wholesaler will likewise agree not to resell the same to any other wholesaler unless such other wholesaler will make the same agreement with any wholesaler or retailer to whom he may resell; or

(b) To any retailer, unless the retailer will agree not to resell the same except to consumers for use and at not less than the stipulated minimum price.

[1937 c. 117 s. 2] (3976-52)

**325.09 WHAT ARE VIOLATIONS.** For the purpose of preventing evasion of the resale price restrictions imposed in respect of any commodity by any contract entered into pursuant to the provisions of sections 325.08 to 325.14, except to the extent authorized by the contract:

(1) The offering or giving of any article of value in connection with the sale of such commodity;

(2) The offering or the making of any concession of any kind, whether by the giving of coupons or otherwise, in connection with any such sale; or

(3) The sale or offering for sale of such commodity in combination with any other commodity—

Shall be deemed a violation of such resale price restriction, for which the remedies prescribed by section 325.12 shall be available.

[1937 c. 117 s. 3] (3976-53)

**325.10 MINIMUM PRICES, BY WHOM FIXED.** No minimum resale price shall be established for any commodity, under any contract entered into pursuant to the provisions of sections 325.08 to 325.14, by any person other than the owner of the trade-mark, brand, or name used in connection with such commodity or a

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"manufactured of second-hand material" or "remade of second-hand material," as the case may be, shall appear upon the label, together with the name and address of the maker or vendor thereof, and also a description of the material used in the filling of such article of bedding. On any article of bedding, not remade, but which has been previously used, the words "second-hand materials used in filling not known" shall appear upon the label, together with the name and address of the vendor thereof.

The statement required under this section shall be in form as follows:

### "OFFICIAL STATEMENT

Materials used in filling .....

Made by .....  
Vendor .....  
Address .....

This article is made in compliance with an act of the State of Minnesota approved the ..... day of ....., 1929."

The statement of compliance required in the foregoing official statement shall not be construed to imply that it is prohibited to state also that the article of bedding is made in compliance with any act or acts of other states.

The words "manufactured of new material," or "manufactured of second-hand material," or any article of bedding not remade, "second-hand materials used in filling not known," together with the description of the material used as filling of an article of bedding, shall be in letters not less than one-eighth of an inch in height. The statement of filling shall conform to rules regulating the manufacture and sale of bedding as approved by the industrial commission. No term or description likely to mislead shall be used on any label required by this regulation in the description of the material used in the filling of any article of bedding. The label shall be attached to each mattress, pad, or upholstered spring by sewing all four edges of the label.

Any person who shall remove, deface, alter, or who shall cause to be removed, defaced, or altered, any label or tag upon any article of bedding so labeled or tagged

### 325.25 USE OF SECOND-HAND MATERIAL FORBIDDEN IN CERTAIN CASES.

No person shall use, in the making or remaking of any article of bedding, any material that has been used in any private or public hospital, or any material of any kind that has been used by or about any person having an infectious or contagious disease, or has formed a part of any article of bedding which has so been used. This section shall not prevent the renovating of bedding used in any private or public hospital.

[1929 c. 358 s. 2] (3976-2)

### 326.26 SALE OF BEDDING.

No person shall sell, offer for sale, consign for sale, or have in his possession with intent to sell, or consign for sale any bedding used in a private or public hospital or any article of bedding that has been used by or about any person having an infectious or contagious disease.

[1929 c. 358 s. 3] (3976-3)

### 325.27 MATERIAL MUST BE RENOVATED.

No person shall remake or renovate any article of bedding unless all the material to be used in such remade or renovated bedding shall first be thoroughly sterilized and disinfected by the methods set out herein, or by any other approved sterilization method:

(1) Dry heat of a temperature of not less than 160 degrees centigrade temperature for not less than one hour. (A thermometer for registering the temperature visible from the outside of the room shall be provided where dry heat is used);

(2) Live steam, with subsequent drying of the material over steam coils with a pressure of not less than 20 pounds of steam for 20 minutes. (A gauge for registering steam pressure visible from the outside of the room shall be provided where steam under pressure is used and valved outlets shall be provided near the bottom and also the top of the room in cases where streaming steam is used);

(3) Formaldehyde and sulphur concurrently in a moist atmosphere for a period of not less than ten hours. Formaldehyde gas shall be generated from the use of one pint of formaldehyde solution, 37 per cent to each 1,000 cubic feet of air space, or through the use of any of the high class commercial fumigators which generate an equivalent quantity of gas. Sulphur shall be from the burning of three pounds of sulphur for each 1,000 cubic feet of air space. The moist atmosphere shall be produced by thorough sprinkling of the floor of the room with warm water just prior to the process of disinfection.

**325.37 UNLAWFUL TO DEFACE MARK.** It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel, or remove any mark provided for by sections 325.34 to 325.37, or cause or permit the same to be done with intent to mislead, deceive, or to violate any of the provisions of sections 325.34 to 325.37.

[1913 c. 167 s. 6] (3971)

**325.38 SALE OF FIREWORKS FORBIDDEN; EXCEPTIONS.** No person, shall sell, offer for sale, or have in possession for the purpose of sale, any fireworks within the limits of any town, any part of which is within 15 miles of the corporate limits of any city of the first class, without first having obtained a license to sell fireworks from the town board of such town.

[1929 c. 300 s. 1] (3976-14)

**325.39 LICENSES GRANTED.** The town board of any town described in section 325.38 is authorized to license any person in such town and to impose a license fee therefor of not less than \$10.00, nor more than \$25.00, which shall be uniform in any such town during any calendar year.

[1929 c. 300 s. 2] (3976-15)

**325.40 APPLICATION; FEE.** Any person desiring such license shall make application therefor to the town clerk, which application shall be in writing and shall contain a description of the premises where applicant proposes to sell such fireworks. Such application shall be accompanied by the license fee, which shall be returned in case the board fails to grant such license. The license permit shall be in writing, signed by the chairman of the board and attested by the clerk, and shall be limited to the premises named in the application and publicly displayed on the premises, and shall be for a period of one year from the date thereof. A town clerk shall submit any such application to the town board within ten days after he receives it.

[1929 c. 300 s. 3] (3976-16)

**325.41 IMITATION INDIAN-MADE GOODS TO BE BRANDED.** All goods, wares, and merchandise known as moccasins, bead work, birchbark baskets, deer-skin work, grass rugs, sweet grass baskets, and other goods which are manufactured or produced in imitation of genuine Minnesota Indian hand-made goods, wares, or merchandise shall be branded, labeled, or marked, as hereinafter provided, before being exposed for sale and shall not be exposed or sold without such brand, label, or mark thereon.

[1937 c. 196 s. 1] (3976-61)

**325.42 BRAND.** The brand, label, or mark required by section 325.41 shall be the words "imitation Indian-made" and shall be placed or attached outside of and on a conspicuous part of the finished article so as to be plainly visible to the purchasing public, and shall be the size and style known as great primer Roman capitals. Such brand or mark, if the article will permit, shall be placed upon it, but when such branding or marking is impossible a label shall be used and attached thereto.

[1937 c. 196 s. 2] (3976-62)

**325.43 GOODS NOT TO BE SOLD WITHOUT BRAND.** No person shall sell, offer for sale, or have in possession for the purpose of sale, imitation goods, wares, or merchandise described in section 325.41 without the brand, label, or mark required by sections 325.41 and 325.42 being placed thereon or attached thereto, or remove, conceal, or deface such brand, label, or mark.

[1937 c. 196 s. 3] (3976-63)

**325.44 PRISON-MADE GOODS ARE SUBJECT TO LAWS OF STATE.** All goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institutions, transported into the state and remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in the state, be subject to the operation and effect of the laws of the state, to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in the state, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

[1935 c. 267 s. 1] (3976-21)

**325.45 PRISON-MADE GOODS MUST BE MARKED.** All goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institutions in this or any other state, shall be branded, labeled, or

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marked, as herein provided, before being exposed for sale, and shall not be so exposed or sold without such brand, label, or mark thereon.

[1935 c. 268 s. 1] (3976-31)

**325.46 "PRISON MADE" TO BE PLACED ON PRISON-MADE GOODS.** The brand, label, or mark required by section 325.45 shall contain, at the head or top thereof, the words "prison made," followed by the name of the penal or reformatory institution in which it was manufactured, produced, or mined, in plain English lettering of the style known as great primer Roman capitals. Such brand or mark, if the article will permit, shall be placed upon it and when such branding or marking is impossible, a label shall be used and attached. Such brand, mark, or label shall be placed or attached outside of and on a conspicuous part of the finished article so as to be plainly visible to the purchasing public and also be placed outside of its box, crate, or covering.

[1935 c. 268 s. 2; 1939 c. 57] (3976-32)

**325.47 SALE OF UNMARKED GOODS FORBIDDEN.** No person shall sell, offer for sale, or have in possession for the purpose of sale, goods, wares, or merchandise described in section 325.45 without the brand, label, or mark required by section 325.45 being placed thereon or attached thereto, or remove, conceal, or deface such brand, label, or mark.

[1935 c. 268 s. 3] (3976-33)

**325.48 VIOLATIONS; PENALTIES.** Subdivision 1. **Gross misdemeanors.**

(1) Any person who shall violate any of the provisions of sections 325.15 to 325.24, or any person who is a party to any agreement or understanding, or to any contract prescribing any condition prohibited by sections 325.15 to 325.24, any employee, agent, or officer of any such person who shall participate, in any manner, in making, executing, enforcing, performing, or in urging, aiding, or abetting in the performance of any such contract, condition, agreement, or understanding and any person who shall pay or give or contract to pay or give any thing or service of value prohibited by sections 325.15 to 325.24, and any person who shall receive or accept or contract to receive or accept any thing or service of value prohibited by sections 325.15 to 325.24 shall be deemed guilty of a gross misdemeanor; and, upon conviction thereof, punished by a fine not exceeding \$500.00, or be imprisoned in a county jail for not exceeding six months, or by both such fine and imprisonment. Each day's violation of any such provision shall constitute a separate offense.

The words "person," "employee," "agent," or "officer," as used in this section, shall not be construed to mean or apply to any person who is engaged, or intends to engage, in the business of selling motor vehicles at retail in this state, nor to the employee, agent, or officer of any person who is engaged, or intends to engage, in the business of selling motor vehicles at retail in this state.

(2) Any person violating any of the provisions of sections 325.25 to 325.33 shall be guilty of a gross misdemeanor; and, upon conviction thereof, punished by a fine of not more than \$100.00, nor less than \$25.00, or by imprisonment for not more than 90, nor less than 30, days; or by both such fine and imprisonment, for each offense.

Subdivision 2. **Misdemeanors.** (1) Any person, firm, or corporation, whether as principal, agent, officer, or director, for himself, or itself, or for another person, firm, or corporation, wilfully violating the provisions of sections 325.03, 325.04, 325.05, and 325.52 shall be guilty of a misdemeanor.

Any person who, either as director, officer, or agent of any firm or corporation or as agent of any person violating the provisions of sections 325.03, 325.04, 325.05, and 325.52, knowingly assists or aids directly or indirectly in such violation shall be responsible therefor equally with the person, firm, or corporation for whom or which he acts.

(2) Any person, company, or corporation violating any of the provisions of sections 325.34 to 325.37 shall be deemed guilty of a misdemeanor; and, upon conviction thereof, for the first offense, punished by a fine of not less than \$25.00, nor more than \$50.00, and for each subsequent offense by a fine of not less than \$50.00, nor more than \$100.00.

(3) Any person, firm, copartnership, or corporation violating any of the provisions of sections 325.38 to 325.40 shall be guilty of a misdemeanor.

(4) Any person who violates the provisions of sections 325.41 to 325.43 or any of the provisions of sections 325.45 to 325.47 shall be guilty of a misdemeanor.

[1913 c. 167 s. 7; 1929 c. 300 s. 4; 1929 c. 358 s. 11; 1935 c. 268 s. 4; 1937 c. 116

*part 3 s. 1; 1937 c. 196 s. 4; 1937 c. 412 s. 9; 1939 c. 403 s. 4; 1941 c. 326 s. 4] (3972) (3976-11) (3976-17) (3976-34) (3976-46) (3976-64) (3976-79)*

**325.49 INJUNCTIVE RELIEF.** In addition to the penalties provided in section 325.48, subdivision 2, clause (1), the courts of this state are hereby vested with jurisdiction to prevent and restrain violations of sections 325.02 to 325.07. Any person, partnership, corporation, or association damaged, or who is threatened with loss or injury, by reason of a violation of these sections shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation thereof and for the amount of the actual damages to him, if any. In order to obtain such injunctive relief it shall not be necessary to allege or prove that an adequate remedy at law does not exist.

No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and documents in any case or proceedings instituted or brought under the provisions of sections 325.02 to 325.07, 325.48, 325.49, and 325.52, or in obedience to a subpoena, in any such case or proceedings, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, in any such case or proceedings, or in obedience to a subpoena, in any such case or proceedings.

*[1937 c. 116 pt. 3 s. 2; 1939 c. 403 s. 5; 1941 c. 326 s. 5] (3976-47)*

**325.50 CONTRACTS OR AGREEMENTS IN VIOLATION VOID.** Any contract or agreement in violation of the provisions of sections 325.15 to 325.24 shall be absolutely void and shall not be enforceable either in law or equity.

*[1937 c. 412 s. 10] (3976-80)*

**325.51 DAMAGES RECOVERABLE.** In addition to the criminal and civil penalties provided in sections 325.15 to 325.24, any person who shall be injured in his business or property by any other person, corporation, association, or partnership, by reason of anything forbidden or declared to be unlawful by sections 325.15 to 325.24, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or where any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and recover two-fold the damages by him sustained and the costs of the suit. Whenever it shall appear to the court before which any proceedings under sections 325.15 to 325.24 may be pending, that the ends of justice require that other parties be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending or not.

*[1937 c. 412 s. 12] (3976-82)*

**325.52 CERTAIN SALES AS PRIMA FACIE EVIDENCE; WHEN INJUNCTIVE RELIEF FORBIDDEN.** Any sale made by the retail vendor at less than eight per cent above the manufacturer's published list price, less his published discounts, where the manufacturer publishes a list price; or, in the absence of such a list price, at less than eight per cent above the actual current delivered invoice or replacement cost, for the purpose or with the effect of injuring competitors or destroying competition, shall be prima facie evidence of the violation of sections 325.02 to 325.07.

No prosecution shall be had nor any action at law for damages or injunctive relief shall lie where the vendor sells at a price not less than 15 per cent above the manufacturer's published list price, less his published discounts, where the manufacturer publishes a list price; or, in the absence of such a list price, at not less than 15 per cent above the current delivered invoice or replacement cost.

Any sale made by a wholesale vendor at less than two per cent above the manufacturer's published list price, less his published discounts, where the manufacturer publishes a list price; or, in the absence of such a list price, at less than two per cent above the actual current delivered invoice or replacement cost, for the purpose or with the effect of injuring competitors or destroying competition, shall be prima facie evidence of the violation of sections 325.02 to 325.07.

*[1937 c. 116 pt. 2 s. 3; 1937 c. 456 s. 1; 1939 c. 403 s. 2; 1941 c. 326 s. 2] (3976-42)*