

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1392  
HOUSE BILL 1304

AN ACT TO REGULATE UNFAIR USE OF THE WORD WHOLESAL AND SIMILAR  
TERMS IN MERCHANDISING.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 75 of the General Statutes is hereby amended by adding a new section to read as follows:

"§ 75-29. **Unfair and deceptive trade names.** — (a) No person, firm or corporation shall advertise the sale of its merchandise using the term 'wholesale' with regard to its sale prices, except as such word may appear in the company or firm name, unless such advertised sale or sales is, or are, to a customer or customers having a Certificate of Resale issued pursuant to G.S. 105-164.28 and recorded as required by G.S. 105-164.25 or unless the wholesale price is established by an independent agency not engaged in the manufacture, distribution or sale of such merchandise.

No person, firm or corporation shall utilize in any commercial transaction a company or firm name which contains the word 'wholesale' unless such person, firm or corporation is engaged principally in sales at wholesale as defined in G.S. 105-164.3. For the purposes of determining whether sales are made principally at wholesale or retail, all sales to employees of any such person, firm or corporation, all sales to organizations subject to refunds pursuant to G.S. 105-164.14, and all exempt sales pursuant to G.S. 105-164.13 shall be considered sales at wholesale. Sales of merchandise for delivery by the seller to the purchaser at a location other than the seller's place of business shall be considered sales at wholesale for the purposes of this act.

(b) The violation of any provision of this section shall be considered an unfair trade practice, as prohibited by G.S. 75-1.1."

**Sec. 2.** This act shall not apply to the sales of farm products, fertilizers, insecticides, pesticides or petroleum.

**Sec. 3.** This act shall become effective on July 1, 1974.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.