

DERMA·E



UNITED STATES MINIMUM ADVERTISED PRICE POLICY

Effective Date: October 1, 2023

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;



- 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 or 2280 Ward Ave., Suite 100 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.

UPC CODE	SIZE	PROD. CODE	PRODUCT NAME	RETAIL PRICE	MAP
			HYDRATING		
030985004571	5.3 fl oz	0457	Ultra Hydrating Alkaline Cloud Cleanser	\$16.50	\$13.20
030985004656	2 oz	0465.02	Ultra Hydrating Antioxidant Day Cream	\$31.50	\$25.20
030985004663	2 oz	0466.02	Ultra Hydrating Advanced Repair Night Cream	\$31.50	\$25.20
030985004670	2 fl oz	0467.02	Ultra Hydrating Dewy Skin Serum	\$31.50	\$25.20
			ANTI-WRINKLE		
030985004830	4 oz	0483	Anti-Wrinkle Scrub -> Anti-Wrinkle Retinol Scrub	\$15.95	\$12.76
030985004861	2 fl oz	0486	Anti-Aging Regenerative Serum	\$27.95	\$22.36
030985004878	1/2 oz	0487.01	Anti-Wrinkle Eye Treatment	\$19.95	\$15.96
030985008883	2 fl oz	0888	Anti-Wrinkle Treatment Oil ->Anti-Wrinkle Retinol Treatment Oil	\$21.95	\$17.56
030985021004	2 oz	2100.02	Anti Aging Regenerative Night Cream	\$31.50	\$25.20
030985021257	2 oz	2125.01	Anti Aging Regenerative Day Cream	\$31.50	\$25.20
			ESSENTIALS		
030985014167	1.7 oz	1416	Gentle Enzyme Peel	\$21.95	\$17.56
030985014808	6 fl oz	1480	Radiance Toner	\$16.95	\$13.56
030985014907	2 fl oz	1490.01	Overnight Peel	\$21.95	\$17.56
			VITAMIN C		
030985003567	2 oz	0356	Vitamin C Instant Radiance Citrus Facial Peel	\$24.95	\$19.96

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030985003581	1/2 oz	0358.02	Vitamin C No Dark Circles Perfecting Eye Cream	\$21.50	\$17.20
030985003598	2 fl oz	0359	Vitamin C Weightless Moisturizer SPF 45	\$24.95	\$19.96
030985003604	2 fl oz	0360	Vitamin C Renewing Moisturizer	\$24.95	\$19.96
030985003628	3 oz	0362.01	Vitamin C Bright Eyes Hydro Gel Patches (60 pads)	\$25.95	\$20.76
			PURIFYING		
030985012309	4 oz	1230.01	Purifying Daily Detox Scrub	\$17.95	\$14.36
			SKIN RESTORE		
030985007152	2 oz	0715	Advanced Peptides and Flora-Collagen™ Night Moisturizer	\$35.95	\$28.76
030985007305	4 oz	0730	Advanced Peptides and Flora-Collagen™ Gentle Jelly Cleanser	\$16.95	\$13.56
030985007756	1/2 oz	0775.01	Advanced Peptides and Flora-Collagen™ Eye Cream	\$30.95	\$24.76
			FIRMING + LIFT		
030985041002	2 oz	4100.02	Ultra Lift Firming DMAE Moisturizer	\$24.95	\$19.96
030985041200	1 fl oz	4120	Ultra Lift DMAE Concentrated Serum	\$22.95	\$18.36
030985041217	6 oz	4121	Crepey Skin Repair Treatment	\$23.50	\$18.80
030985041224	6 oz	4122	Crepey Skin Pre-Treatment Exfoliating Scrub	\$18.95	\$15.16
030985041231	1.7 fl oz	4123	Ferulic Acid Resurfacing Pads	\$25.95	\$20.76
030985041750	1/2 oz	4175.01	Stem Cell Eye Lifting Treatment	\$24.95	\$19.96
			+ CBD RELIEF		
030985089165	6 fl oz	8916	Skin De-Stress Calming CBD Cleanser	\$17.50	\$14.00
030985089172	2 oz	8917.01	Skin De-Stress Calming CBD Moisturizer	\$24.95	\$19.96
030985089189	2 fl oz	8918.01	Skin De-Stress Calming CBD Serum	\$26.50	\$21.20
030985089196	1/2 oz	8919	Skin Destress CBD Cheek & Eye Cream Corrector	\$19.95	\$15.96
			ANTI-ACNE		
030985037074	1 fl oz	3707	Sulfur Spot Treatment	\$15.95	\$12.76
030985038514	2 fl oz	3851	Acne Blemish Control Treatment Serum	\$17.99	\$14.39
030985039009	2 oz	3900.01	Acne Oil-Control Matte Moisturizer	\$21.95	\$17.56
			THERAPEUTIC TOPICALS	RETAIL	
030985004458	4 oz	0445.02	Vitamin E 12,000 IU Cream	\$17.95	\$14.36
030985004755	2 oz	0475.02	Skin Brighten Cream	\$28.95	\$23.16
030985005202	2 fl oz	0520	Vitamin E Skin Oil 14,000 IU	\$14.95	\$11.96
030985081008	2 oz	8100	Scar Gel	\$23.95	\$19.16
030985081114	1.5 oz	8111	Scar Cream Sun Protectant SPF 35	\$22.50	\$18.00
030985087000	4 oz	8700.01	Eczema Relief Cream	\$21.50	\$17.20
030985087123	6 fl oz	8712.01	Eczema Relief Lotion	\$16.50	\$13.20
030985091250	4 oz	9125.01	Tea Tree & Vitamin E Relief Cream	\$17.50	\$14.00
030985095005	8 fl oz	9500.03	Itch Relief Lotion	\$16.95	\$13.56
			SUNCARE MINERAL		
030985004175	6 fl oz	0417	Ultra Sheer Mineral Sunscreen Mist SPF30	\$18.95	\$15.16
030985004342	6 fl oz	0434	All Sport Performance Sheer Mineral Sunscreen Spray SPF50	\$18.95	\$15.16
030985004427	6 fl oz	0442	Kids Active Sheer Mineral Sunscreen Spray SPF50	\$18.95	\$15.16
			HAIR CARE		
030985063257	5 oz	6325	Recover & Repair Deep Conditioning Treatment Mask	\$11.50	\$9.20
030985063455	1 fl oz	6345.01	Styling Hair Repair Oil	\$13.50	\$10.80
030985087307	10 fl oz	8730.02	Scalp Relief Shampoo	\$12.95	\$10.36
030985087406	10 fl oz	8740.01	Scalp Relief Conditioner	\$12.95	\$10.36
030985087413	1 fl oz	8741	Scalp Relief Treatment	\$15.95	\$12.76
030985087505	10 fl oz	8750.03	Thickening Shampoo	\$12.95	\$10.36
030985087512	3.3 fl oz	8751.01	Biotin Thickening Spray	\$15.50	\$12.40

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030985087604	10 fl oz	8760.02	Thickening Conditioner	\$12.95	\$10.36
			BODY CARE		
030985070705	8 oz	7070.02	Vitamin E Fragrance-Free Sensitive Skin Shea Body Lotion	\$11.95	\$9.56
030985070712	8 oz	7071.02	Vitamin E Lavender & Neroli Skin Smoothing Shea Body Lotion	\$11.95	\$9.56
030985070767	8 oz	7076.02	Rosehip & Almond Anti-Aging Shea Body Lotion	\$11.95	\$9.56
030985070781	8 oz	7078.02	Jasmine & Vanilla Ultra Moisturizing Shea Body Lotion	\$11.95	\$9.56

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