



Herbs, Etc., Inc. • 1340 Rufina Circle • Santa Fe, NM 87507 • Phone: 505-471-6488
Effective Date: November 1, 2020

UNITED STATES UNILATERAL PRICE POLICY

Herbs, Etc., Inc. (“Herbs, Etc.”) recognizes that its high-quality resellers invest time and resources to deliver an extraordinary customer experience through knowledgeable staff and compelling vendor presentation. To support its resellers’ efforts, Herbs, Etc. wishes to establish policies that allow resellers to earn the profits necessary to maintain the high level of customer excellence people have come to expect from Herbs, Etc. resellers.

In order to successfully compete in the marketplace and to maintain its premium brand image, Herbs, Etc. has announced this Unilateral Policy. Hereafter, all sales from Herbs, Etc. resellers to end-users of products set forth in Herbs, Etc.’s *Unilateral Price Grid* (the “Product(s)”) inside the United States shall be subject to this Unilateral Policy.

Herbs, Etc. Products covered and their coordinating minimum advertised prices are set forth in the *Unilateral Price Grid* and shall be delivered or otherwise made available by Herbs, Etc. to the reseller. Herbs, Etc. reserves the right from time to time to alter, modify, suspend, or cancel this Unilateral Policy, the Products covered, and/or the minimum advertised prices.

This Unilateral Policy does not restrict a reseller’s right to establish independent advertised and/or resale prices of Herbs, Etc. Products. Herbs, Etc. reserves the right to determine whether a reseller has advertised Herbs, Etc.’s Products at a net advertised price less than the minimum advertised price established in this Unilateral Policy. Upon such determination, Herbs, Etc. may, without assuming any liability, cancel all orders and may indefinitely refuse to accept new orders from the reseller. ***Please note that following the actions of another reseller is not an exception to this Unilateral Policy and will be considered non-acquiescence.***

This Unilateral Policy has been unilaterally adopted by Herbs, Etc. Herbs, Etc. neither solicits nor will it accept assurances by any reseller of acquiescence with this Unilateral Policy. Nothing in this Unilateral Policy shall constitute an agreement between Herbs, Etc. and any reseller of compliance with this Unilateral Policy. The reseller within its own discretion can choose to acquiesce or not acquiesce with this Unilateral Policy. Herbs, Etc. will not discuss conditions of acceptance related to this Unilateral Policy. This Unilateral Policy is non-negotiable and will not be altered, modified, or amended for any reseller.

The following are actions that constitute acquiescence with Herbs, Etc.’s Unilateral Policy:

- The offer of free shipping or financing on Product(s) listed in the *Unilateral Price Grid*
- The offer of a gift card redeemable for value on a future purchase with the purchase of Product(s) listed in the *Unilateral Price Grid*
- Herbs, Etc., from time to time within its sole discretion, may announce promotional prices and bundles of Product(s) listed in the *Unilateral Price Grid*

The following are actions that do not constitute acquiescence with Herbs, Etc.’s Unilateral Policy:

- Advertising that: i) states things such as “see price in cart,” “click to see price,” “add to cart for best price,” or “call for price”; ii) lists a price that is struck through; iii) does not list a price, or iv) contains any language or graphic representation that implies, or from which the end-user can infer, that the end-user may click through to the cart to see a price lower or higher than that set forth in the *Unilateral Price Grid*
- The issuance of non-Herbs, Etc. announced rebates (in any form, including coupon codes) on Product(s) listed in the *Unilateral Price Grid*
- Combining a Product from the *Unilateral Price Grid* with any other product for a combined price lower than the combined price of what the two (2) products could be advertised independent of each other as set forth in the *Unilateral Price Grid*

Herbs, Etc.’s sales personnel have no authority to modify or grant exceptions to this Unilateral Policy. All questions regarding interpretation of this Unilateral Policy should be directed to the Unilateral Policy Committee at customerservice@herbsetc.com.