

MINIMUM ADVERTISED PRICE POLICY

Performance Design, LLC is the designer and manufacturer of the Rhin-o-tuff line of products that are advertised, marketed and sold using copyrighted materials and under the trademarks, brands, or trade names belonging to it. The following is Performance Design's policy regarding the advertising and pricing of Rhin-o-tuff products.

1. Purpose: Performance Design's goal in enacting this policy is to avoid depreciation of, or damage to, the trademarks, brands or trade-names under which its products are sold.
2. Minimum Advertising Pricing: Performance Design hereby advises each of its dealers, distributors and retailers that advertising Rhin-o-tuff products using Performance Design copyrighted materials (including photographs from the Rhin-o-tuff website) at a price below the manufacturer suggested retail price (the MSRP) may lead to certain consequences, including Performance Design's discontinuance of its business relationship with such dealer, distributor or retailer. For the purposes of this policy, the term "advertising" shall include any price listing accessible to consumers directly via the World Wide Web, provided that "advertising" shall not include a price quotation sent via email to a consumer at the consumer's request. Performance Design expects that Rhin-o-tuff products will be advertised in print or on the Internet by its dealer, distributors or retailers at no less than MSRP. It is the decision of the dealers, distributor or retailer to advertise any price they choose, as long as it is not less than MSRP.
3. Limitation Policy: Without limiting any of the foregoing, no part of this policy is intended to affect resale prices or require any dealer, distributor, or retailer to resell Rhin-o-tuff products at the MSRP price. Compliance with this policy remains at all times solely in the discretion of each dealer, distributor, or retailer.
4. Changes in MSRP and Products: All Rhin-o-tuff products are subject to this policy, including any new product added by Performance Design to its lineup and bearing the Rhin-o-tuff name. Performance Design may at any time, in its sole discretion, revise the MSRP for any product it manufactures. Each addition and each revision shall be effective at such time specified by Performance Design in its pricing schedule, which will be provided to each dealer or distributor. Performance Design's last price lists are available to all dealers, distributors and retailers from the office and on the website. All changes of such prices as and when made, will also be available.
5. Discounts, Premiums, etc: Should any dealer, distributor or retailer advertise the giving of any article of value in connection with the sale of any Rhin-o-tuff products, or the making of any concession in connection with the sale of any such products, and results in a sale by dealer, distributor and retailer at net prices, this shall be a violation of the MSRP policy.
6. Price Reductions, Inventory Reduction & Clearance: Performance Design may exempt certain designs, models and items from this policy for the purpose of inventory reduction and model closeouts.
7. Performance Design LLC will make all decisions concerning this policy unilaterally.

Dealers, distributors and other with questions regarding this policy should contact Performance Design at 208-384-8551.

www.rhin-o-tuff.com