

# VULCAN PICKLEBALL

## Dealer Policy Regarding Advertising & Distribution Effective Date: January 1, 2024

This policy is effective as of the date above and supersedes all previous policies. Vulcan may modify or amend this policy from time to time. Vulcan is committed to the success of its brand, its products, its consumers, and its partner-dealers, each of which relies on a high-quality advertising and distribution policy. Strict adherence and enforceability are required. Vulcan will only sell products to dealers who, in the sole opinion of Vulcan, abide by the letter and spirit of this policy in good faith, and who otherwise meet Vulcan's requirement for a vendor-retailer relationship.

**Basic Policy:** Two basic rules ensure the integrity of this advertising and distribution policy for all, and each requires the express written approval of the Vulcan General Manager if a dealer wishes to: (1) sell Vulcan products on the internet via an e-commerce store or on a social media platform, and (2) sell Vulcan products specifically on Amazon.

**Definitions:** The terms "advertising" and "advertised price" are used in this policy and include advertisements and promotions placed on television, radio, newspapers, magazines, flyers, catalogs, front-of-store signage, in-store signage, mobile store signage, tournament signage, websites, web pages, emails, social media platforms, and other digital forms of communication.

**MSRP and MAP Policy:** Minimum Advertised Price (MAP) is listed on the Dealer Order Forms adjacent to the Manufacturer's Suggested Retail Price (MSRP). Both are subject to change at any time at Vulcan's sole discretion with the changes announced to dealers via email. Dealers may not advertise nor sell Vulcan products below the MAP policy. Any exceptions require the express written approval of the Vulcan General Manager. Other exceptions involve, from time to time, exclusions or exemptions for specific special promotions and Vulcan sponsored programs. The spirit of this policy makes phrases such as "call for price," "click for price," "sale," "discount," and "free gift" with purchase unauthorized. Dealer expressions such as "will not be undersold," "guaranteed lowest price," and other similar phrases equally unauthorized.

**Amazon Policy:** Vulcan maintains a long-standing 1<sup>st</sup> Party Vendor relationship with Amazon and works diligently to maintain and control appropriate retail pricing on that website. Therefore, Vulcan strictly limits and monitors 3<sup>rd</sup> Party Amazon Sellers and prohibits dealers selling Vulcan product on Amazon without express written approval of the Vulcan General Manager. Vulcan is not actively seeking new Amazon sellers for its products so that it may ensure enforcement of its policies. Vulcan VPRO FLIGHT pickleballs are only sold on Amazon by Vulcan (1P) and Pickleball Central (3P), per the PPA Official Ball Contract, so these items are even more limited than others.

**Remedies:** If Vulcan, at its sole discretion, determines that a dealer is in non-compliance with any of the policies above, or the intent of the policies, or the spirit of the policies, then Vulcan will take the following actions without further notice to the dealer: (1) cancel any pending orders of Vulcan products for that dealer, (2) refuse to accept new orders of Vulcan products from that dealer, and (3) potentially terminate that dealer's status as an authorized Vulcan dealer.