

VFuel Minimum Advertised Price Policy

Introduction

To protect the investment of our high-quality dealers and VFuel's brand reputation, we have unilaterally adopted a MINIMUM ADVERTISED PRICE POLICY ("MAP Policy"). VFuel established this MAP Policy due to the fact that reseller advertising and sales practices that promote VFuel products primarily on the basis of price could be detrimental to resellers' service and support efforts and VFuel's competitive position. Such activities can be harmful to VFuel's brand, reputation and competitiveness, and allow some resellers to take advantage of the service and support efforts of others. VFuel believes that these practices are unfair and thus discourages such efforts.

VFuel, in its unilateral discretion, will not do business with any reseller, as to the products covered by this MAP Policy, if that reseller intentionally advertises any MAP Product below its MAP price. VFuel is confident that this program will strengthen its competitiveness and benefit all of its resellers.

Official Policy and Guidelines

Additional guidelines related to this MAP Policy are as follows:

- 1) VFuel reserves the right, in its unilateral discretion, to take other action with respect to any reseller that violates this MAP Policy.
- 2) The MAP Policy will be enforced by VFuel in its sole discretion.
- 3) VFuel recognizes that any authorized VFuel account can make its own decisions to advertise and sell any VFuel product at any price it chooses without consulting or advising VFuel.
- 4) VFuel will maintain an updated "MAP Products" list of those products that will fall under this MAP Policy. VFuel reserves the right to update or modify this list at any time.
- 5) All Products listed will have a MAP retail price. Listing a price less than the MAP retail price next to the featured MAP Product in any advertising will be viewed as a violation of this MAP Policy. This MAP Policy applies to all advertisement of MAP Products in any and all media, including, without limitation, flyers, posters, coupons, mailers, inserts, newspapers, magazines catalogs, mail order catalogs, internet or similar electronic media including websites, forums, email newsletters, email solicitations, television, radio, and public signage. Such website features as "Click for price", automated "bounce – back" pricing e-mails, pre-formatted e-mail responses, forms, automatic price display for any items prior to being placed in a customer's shopping cart, and other similar features are considered to be communications initiated by the reseller (rather than by the customer) and this constitutes "advertising" under this MAP Policy. This MAP Policy also applies to any activity which VFuel determines, in its sole discretion, is designed or intended to circumvent the intent of this MAP Policy, such as solicitations for 'group purchases' and the like.
- 6) This MAP Policy does not establish maximum advertised prices. All Resellers may advertise VFuel products at any price in excess of the MAP.
- 7) It shall not be a violation of this MAP Policy to advertise in general that the reseller has "the lowest prices" or will match or beat its competitors' prices, or to use similar phrases; so long as the reseller does not include any advertised price below MAP and otherwise complies with this MAP Policy.
- 8) From time to time, VFuel may permit resellers to advertise MAP Products at prices lower than the MAP retail price. In such events, VFuel reserves the right to modify or suspend the MAP retail price with respect to the affected products for a specified period of time by providing advance notice to all resellers of such changes.
- 9) Its shall be a violation of this MAP Policy to include in any advertising specifically for VFuel Products any additional discount, coupon, gift card, or incentive (whether in the form of a special event, promotion, term of doing business or otherwise) that translates into an immediate price reduction, where the cumulative effect would be to reduce the advertised price of any MAP Product below MAP. It shall not be a violation of this MAP Policy to advertise that a customer may "call for price" or "email for price", or to use similar language, specifically with respect to VFuel Products, so long as no price is listed.

- 10) If a reseller with multiple store locations violates this MAP Policy at any particular store location, then VFuel will consider this to be a violation by all of the reseller's locations.
- 11) Although resellers remain free to establish their own resale prices, VFuel reserves the right to cancel all orders and indefinitely refuse to accept any new orders from any resellers following VFuel's verification that such reseller has advertised any MAP Products at a net retail sales price less than the then-current MAP retail price established by VFuel, or if reseller has violated this policy in any other way.
- 12) VFuel's sales representatives are NOT permitted to discuss this Policy or make any agreements or assurances with respect to VFuel's Policy regarding reseller advertising or pricing. This also includes any consumer program or promotion that affects the below-listed MAP Products.

MAP Products List

Item	MAP Price	Suggested Retail Price (MSRP)
24ct VFuel Gel Individual Flavors	\$1.25 per packet \$29.95 per 24ct Carton	\$1.59 per packet \$38.25 per 24ct Carton
24ct VFuel Gel Variety Pack	\$29.95 per 24ct Carton	\$39.50 per 24ct Carton
12ct VFuel Drink Mix Individual Flavors	\$1.66 per packet \$19.95 per 24ct Carton	\$2.00 per packet \$23.95 per 24ct Carton
12ct VFuel Drink Mix Variety Pack	\$1.66 per packet \$19.95 per 24ct Carton	\$2.08 per packet \$24.95 per 24ct Carton
50 Serving VFuel Drink Mix Bags	\$29.95 per 50 Serving Bag	\$38.25 per 50 Serving Bag