

## REFERENCES IN TEXT

The Federal Food, Drug and Cosmetic Act of 1938, referred to in subsec. (a)(8), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

**§ 70k. Application of other laws**

The provisions of this subchapter shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

(Pub. L. 85-897, §14, Sept. 2, 1958, 72 Stat. 1724.)

## SUBCHAPTER VI—PREVENTION OF UNFAIR METHODS OF COMPETITION

**§ 71. “Person” defined**

When used in this subchapter the term “person” includes partnerships, corporations, and associations.

(Sept. 8, 1916, ch. 463, title VIII, §800, 39 Stat. 798.)

**§ 72. Repealed. Pub. L. 108-429, title II, § 2006(a), Dec. 3, 2004, 118 Stat. 2597**

Section, act Sept. 8, 1916, ch. 463, title VIII, §801, 39 Stat. 798, related to importation or sale of articles at less than market value or wholesale price.

## SAVINGS PROVISION

Pub. L. 108-429, title II, §2006(b), Dec. 3, 2004, 118 Stat. 2597, provided that: “The repeal made by subsection (a) [repealing this section] shall not affect any action under section 801 of the Act referred to in subsection (a) [this section] that was commenced before the date of the enactment of this Act [Dec. 3, 2004] and is pending on such date.”

**§ 73. Agreements involving restrictions in favor of imported goods**

If any article produced in a foreign country is imported into the United States under any agreement, understanding, or condition that the importer thereof or any other person in the United States shall not use, purchase, or deal in, or shall be restricted in his using, purchasing, or dealing in, the articles of any other person, there shall be levied, collected, and paid thereon, in addition to the duty otherwise imposed by law, a special duty equal to double the amount of such duty: *Provided*, That the above shall not be interpreted to prevent the establishing in this country on the part of a foreign producer of an exclusive agency for the sale in the United States of the products of said foreign producer or merchant, nor to prevent such exclusive agent from agreeing not to use, purchase, or deal in the article of any other person, but this proviso shall not be construed to exempt from the provisions of this section any article imported by such exclusive agent if such agent is required by the foreign producer or if it is agreed between such agent and such foreign producer that any agreement, understanding or condition set out in this section shall be imposed by such agent upon the sale or other disposition of such article to any person in the United States.

(Sept. 8, 1916, ch. 463, title VIII, §802, 39 Stat. 799.)

**§ 74. Rules and regulations**

The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of section 73 of this title.

(Sept. 8, 1916, ch. 463, title VIII, §803, 39 Stat. 799.)

**§ 75. Retaliation against country prohibiting importations**

Whenever any country, dependency, or colony shall prohibit the importation of any article the product of the soil or industry of the United States and not injurious to health or morals, the President shall have power to prohibit, during the period such prohibition is in force, the importation into the United States of similar articles, or in case the United States does not import similar articles from that country, then other articles, the products of such country, dependency, or colony.

And the Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary for the execution of the provisions of this section.

(Sept. 8, 1916, ch. 463, title VIII, §804, 39 Stat. 799.)

**§ 76. Retaliation against restriction of importations in time of war**

Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any country, colony, or dependency contrary to the law and practice of nations, the importation into their own or any other country, dependency, or colony of any article the product of the soil or industry of the United States and not injurious to health or morals is prevented or restricted the President is authorized and empowered to prohibit or restrict during the period such prohibition or restriction is in force, the importation into the United States of similar or other articles, products of such country, dependency, or colony as in his opinion the public interest may require; and in such case he shall make proclamation stating the article or articles which are prohibited from importation into the United States; and any person or persons who shall import, or attempt or conspire to import, or be concerned in importing, such article or articles, into the United States contrary to the prohibition in such proclamation, shall be liable to a fine of not less than \$2,000 nor more than \$50,000, or to imprisonment not to exceed two years, or both, in the discretion of the court. The President may change, modify, revoke, or renew such proclamation in his discretion.

(Sept. 8, 1916, ch. 463, title VIII, §805, 39 Stat. 799.)

**§ 77. Discrimination against neutral Americans in time of war**

Whenever, during the existence of a war in which the United States is not engaged, the