

FLUIDRA TRADE SERIES EXCLUSIVE POLICY

Updated 9/21/2020

General Terms & Conditions

1. This Trade Series Exclusive Policy (the "TSE Policy") is a statement of the requirements of Zodiac Pool Systems LLC, a Fluidra company, and its affiliates and subsidiaries (collectively, the "Company") and its affiliates and subsidiaries (collectively, the "Company") for selling to a "Customer" (in this case, independent trade dealers and distributors and their respective affiliates, subsidiaries, and related companies) Trade Series Exclusive products modified and designated specifically for resale via traditional channels ("TSE products").
2. **The Company reserves the right, at its sole discretion, to penalize Customers who violate the Policy by, including but not limited to, refusing to sell the Customer any TSE products and/or withhold earned loyalty and rebate incentives.**
3. The Company has adopted this TSE Policy in order to protect and strengthen its reputation and brand image, and to encourage traditional retailers, builders, and service providers to invest both in promoting the Company's products and in educating consumers about those products.
4. The TSE Policy has no predetermined termination date and may continue until such time as the Company, in its sole discretion, elects to designate a TSE Policy termination date.
5. This TSE Policy describes the terms under which the Company may, in its sole discretion, choose to have business dealings with a Customer. The Company is not requesting any agreement about a Customer's compliance with this TSE Policy. This TSE Policy is being unilaterally implemented by the Company and is not a contract or an offer to form a contract.

Violations

6. It shall constitute a **violation of this TSE Policy for any Customer to sell TSE products anywhere on the Internet** (including eBay or other auction sites). It shall likewise constitute a violation of this TSE Policy for any Customer to sell TSE products to any reseller that sells pool products primarily via the Internet.
7. For **Jandy-branded TSE products**, it shall constitute a violation of this Policy for any Customer to advertise a retail price of a Jandy-branded TSE product.
 - i. "Available in-store only" or "Available in-person only" must accompany any advertising of a Jandy-branded TSE product.
 - ii. For purposes of this Policy, "advertisement" includes, but is not limited to the following types of print and internet advertisements (including eBay or other auction sites): Web Banner Ads, Pay Per Click Advertising, Websites (home page ads, product listing pages), Digital Media (emails, social media), Print Ads, Direct Mail, Flyers, Newspaper, Magazine, Billboard, Television, and Radio.
 - iii. **See APPENDIX A for acceptable Jandy-branded TSE advertising examples.**

8. For **Polaris-branded and Zodiac-branded TSE Products**, it is acceptable for a Customer to advertise the price and in-store availability on a website so long as it is in accordance with the Company’s LAAP policy.
 - i. “Available in-store only” must accompany any advertising of a Polaris-branded or Zodiac-branded TSE product.
9. This section should be used for reference only and should not be considered an all-inclusive list of violating activities or remedies.

Other

10. This TSE Policy covers the TSE products outlined below and will further support any additions and expansions to the range unilaterally made by the Company in the future.
11. The Company reserves the right to add, modify, or delete any of the rules, conditions, benefits, or awards pertaining to any sales, promotional, rebate, or discount program at its sole discretion without notice.
12. The Company reserves the right to terminate business dealings with a Customer with or without cause, at any time, without providing prior notice to the Customer.
13. The Company reserves the right to terminate any Customer for violations of the TSE Policy by any affiliated company; affiliated companies include, but are not limited to, Customer’s affiliates, subsidiaries, partnerships, joint ventures, parent companies, and controlling shareholders.

Trade Series Exclusive Products			
*See TSE Product List: www.fluidraewards.com or www.jandy.com/builtstrong			
	Category	Model #	Description
Jandy	Equipment		All Jandy branded Equipment*
Polaris	APC	FALPHAIQP	Polaris ALPHA iQ+ Robotic Cleaner
	APC	FALPHAIQ	Polaris ALPHA iQ Robotic Cleaner
	APC	F7240	Polaris 7240 Sport Compact Robotic Cleaner
	APC	F5TR	Polaris TR28P Pressure Cleaner
	APC	F4TR	Polaris Quattro Sport Pressure Cleaner
	APC	F1TR	Polaris TR36P Pressure Cleaner
	APC	WE000003	Polaris TR35P Pressure Cleaner
	APC	PB4SQ	Polaris Multistage Booster Pump
Zodiac	APC	MX8EL	Zodiac MX8 Elite Suction Cleaner
	APC	MX6EL	Zodiac MX6 Elite Suction Cleaner
	APC	WS000016	Zodiac TR2D Suction Disc Cleaner
	APC	W03000TR	Zodiac G3 PRO Suction Disc Cleaner



APPENDIX A

Acceptable Jandy-branded TSE Advertising Examples

STANDARD ADVERTISEMENT:

A standard advertisement of a Jandy-branded TSE product should **NOT include a retail price**, rather focus on a product feature or description. **“Available In-Store Only”** or **“Available In-Person Only”** must be included in a type size no smaller than eight point.



Jandy JXi400NK
400 BTU Natural Gas Pool & Spa Heater
with VersaFlo Integrated Bypass

- **Highly Efficient**
- **Ultra Compact**

5 Year Heat Exchanger Warranty
On JXi Heaters with VersaFlo Factory Installed



Available In-Store Only

PROMOTIONAL ADVERTISEMENT:

If a promotional advertisement is desired, the two options below are acceptable under the Policy only if the Customer hosting the promotion can prove that the advertised discount is from a prior actual, bona fide price at which the article was offered to the public on a regular basis for a reasonably substantial period of time.



Jandy JXi400NK
400 BTU Natural Gas Pool & Spa Heater
with VersaFlo Integrated Bypass

▪ SALE! ▪
10% OFF

5 Year Heat Exchanger Warranty
On JXi Heaters with VersaFlo Factory Installed



Available In-Store Only

PERCENTAGE DISCOUNT PROMOTIONAL ADVERTISEMENT:

It is acceptable to advertise a **total percent discount** off a Jandy-branded TSE product so long as neither the start price nor the end price is shown. **“Available In-Store Only”** or **“Available In-Person Only”** must be included in a type size no smaller than eight point. The actual discount provided to the consumer must be based from a prior actual, bona fide price at which the article was offered to the public on a regular basis for a reasonably substantial period of time.



Jandy JXi400NK
400 BTU Natural Gas Pool & Spa Heater
with VersaFlo Integrated Bypass

▪ SALE! ▪
\$100 OFF

5 Year Heat Exchanger Warranty
On JXi Heaters with VersaFlo Factory Installed



Available In-Store Only

DOLLAR DISCOUNT PROMOTIONAL ADVERTISEMENT:

It is acceptable to advertise a **total dollar discount** of a Jandy-branded TSE product so long as neither the start price nor the end price is shown. **“Available In-Store Only”** or **“Available In-Person Only”** must be included in a type size no smaller than eight point. The actual discount provided to the consumer must be based from a prior actual, bona fide price at which the article was offered to the public on a regular basis for a reasonably substantial period of time.

