

Advertisement of Membership—Part 328 of FDIC Rules and Regulations

Introduction

These examination procedures were developed to assist examiners in the review of advertisements and signs for compliance with Part 328 of the FDIC Rules and Regulations.

The regulation contained in this part describes the official signs of the FDIC and prescribes their use by insured depository institutions. It also prescribes the official advertising statement insured banks must include in their advertisements. Insured banks which maintain offices that are not insured in foreign countries are not required to include the advertising statement in advertisements published in foreign countries. For purposes of this Part 328, the term “insured bank” includes a foreign bank having an insured branch.

Examination Objective

The objective of the examination is to:

- Determine whether public advertisements and signs comply with applicable regulatory requirements.

Examination Procedures

1. Determine that the required official (FDIC) sign is displayed at each station or window where deposits are received. (§328)

NOTE: Display of the official sign at automated teller machines (ATMs) is not required.

NOTE: If required posters, signs, etc., are missing or obsolete, inform management of the availability of these items from the FDIC Warehouse upon request and may be obtained by faxing a written request on bank letterhead to:

FAX: (703) 516-5201

Or via FDICconnect at:

<https://www2.fdicconnect.gov>

Requests should indicate the number of each requested item needed and the name and address of the financial institution.

2. If the financial institution has on-premises investment services or offers municipal securities or retail repurchase agreements (uninsured investment services and products), determine that promotional materials, including lobby signs and brochures, do not mislead consumers as to the product’s insured status.
3. Determine if the official advertisement statement “Member FDIC” is properly included in print and broadcast (television, radio) advertisements. (§328.3)

NOTE: Section 328.3(c) lists the types of advertisements that do not require the “Member FDIC” disclosure.

4. If the official advertisement statement “Member FDIC” is in a language other than English, determine whether prior written approval of the translation was obtained from the FDIC. (§328.3(e))

References

FDIC Rules and Regulation Part 328; Advertisement of Membership

<http://www.fdic.gov/regulations/laws/rules/2000-5200.html>

Interagency Statement on Retail Sales of Nondeposit Investment Products

<http://www.fdic.gov/regulations/laws/rules/5000-4500.html>

FDIC Legal Advisory Opinions

Advisory Opinion 89-24: Advertisement of FDIC Insurance by Savings Associations

<http://www.fdic.gov/regulations/laws/rules/4000-5980.html#400089-24>

Advisory Opinion 93-2: Advertisements Soliciting Deposits and Non-Deposit Obligations Should Clearly State Which Investments Are Insured

<http://www.fdic.gov/regulations/laws/rules/4000-7910.html#400093-2>

Advisory Opinion 00-10: Whether the Rules Regarding the Use of the FDIC Logo Apply to Insured Institution Web Sites

<http://www.fdic.gov/regulations/laws/rules/4000-10120.html#400000-10>

Advisory Opinion 87-2: Advertising the Solicitation of Deposits

<http://www.fdic.gov/regulations/laws/rules/4000-3340.html#400087-2>

Advisory Opinion 92-20: Display of Official Deposit Insurance Signs

<http://www.fdic.gov/regulations/laws/rules/4000-7110.html#400092-20>

Advisory Opinion 95-12: “Federal Deposit Insurance Corporation” Should not be Translated into Non-English Equivalent on Advertising

<http://www.fdic.gov/regulations/laws/rules/4000-9420.html#400095-12>

Advisory Opinion 91-60: Guidelines for Advertising of Insured Status by Savings Associations

<http://www.fdic.gov/regulations/laws/rules/4000-6590.html#400091-60>

X. Other – Advertisement of Membership

Advisory Opinion 94-17: Night Depositories and Official Bank Signs

<http://www.fdic.gov/regulations/laws/rules/4000-8890.html#400094-17>

Advisory Opinion 93-42: Official Bank Sign Need not be Displayed on Night Depositories

<http://www.fdic.gov/regulations/laws/rules/4000-8310.html#400093-42>

Advisory Opinion 92-15: Official FDIC Sign Need not be Black or Gold, but Text and Symbol

<http://www.fdic.gov/regulations/laws/rules/4000-7060.html#400092-15>

Advisory Opinion 89-33: Savings Association Display of Official Eagle Logo

<http://www.fdic.gov/regulations/laws/rules/4000-4070.html#400089-33>

Advisory Opinion 90-77: Savings, Loan and Mortgage Charts Listing Both Insured and Uninsured Institutions Need not Include Official FDIC Advertising Statement

<http://www.fdic.gov/regulations/laws/rules/4000-5960.html#400090-77>

Advisory Opinion 92-70: Sign Intended as Supplement to Official Savings Association Sign may not be Displayed Because too Similar

<http://www.fdic.gov/regulations/laws/rules/4000-7610.html#400092-70>

Advisory Opinion 91-29: Size and Design of Official Bank or Savings Association Logo Placed at Teller Windows May not Vary from Requirements of 12 CFR Section 328.1

<http://www.fdic.gov/regulations/laws/rules/4000-6280.html#400091-29>

Advisory Opinion 96-7: Whether an Insured Depository Institution Can Operate Branch Under a Name that is Different Than That of the Insured Institution

<http://www.fdic.gov/regulations/laws/rules/4000-9750.html#400096-7>

Advisory Opinion 92-22: Whether FDIC Logo may be Displayed on Lapel Pin Worn by Bank Employees

<http://www.fdic.gov/regulations/laws/rules/4000-7130.html#400092-22>