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.[1]

The regulation contained in this part describes the official sign of the FDIC and prescribes its use by insured depository institutions. It also prescribes the official advertising statement insured depository institutions must include in their advertisements. For purposes of Part 328, the term "insured depository institution" includes insured branches of a foreign depository institution. The regulation does not apply to non-insured offices or branches of insured depository institutions located in foreign countries.

Examination Objective

The objective of the examination is to:

- Determine whether public advertisements and signs comply with applicable regulatory requirements and adhere to FDIC guidance.

Examination Procedures

1. Determine whether the official sign is properly displayed at each station or window where deposits are received, in accordance with the requirements of §§ 328.1 and 328.2, including the requirements for varied signs in § 328.2(a)(2).

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 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.

Financial institutions can also order these items online at ***https://vcart.velocitypayment.com/fdic/****, under "Categories" select "For Banks Only."*

2. If the financial institution sells, on-premises, nondeposit investment products or insurance products, determine whether such activities (including any promotional materials) do not mislead consumers as to the products' insured status and comport with the requirements of the Interagency Statement on Retail Sales of Nondeposit Investment Products and Part 343 of the FDIC Rules and Regulations (Consumer Protection in Sales of Insurance).
3. Determine whether the official advertisement statement (as set forth in § 328.3(b)) is properly included in all advertisements (as defined in § 328.3(a)) that either promote deposit products or promote non-specific banking products and services, unless an exception in § 328.3(d) applies. Review for compliance with the restrictions in § 328.3(e) on using the official advertising statement when advertising nondeposit products.
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(f))
5. Provide a comment in the Report of Examination for any deficiencies noted during the examination.

References

FDIC Rules and Regulation Part 328; Advertisement of Membership

FDIC Rules and Regulation Part 343; Consumer Protection in Sales of Insurance

Interagency Statement on Retail Sales of Nondeposit Investment Products

FIL 40-2010: Standard Deposit Insurance Coverage Amount of $250,000 Made Permanent; Official FDIC Sign Updated and Available

FDIC Legal Advisory Opinions

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

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

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

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

[1] Pursuant to 12 U.S.C. §§ 1821(a)(1)(F), beginning April 1, 2010, and every succeeding 5 years, subject to approval by the FDIC and NCUA, the current standard maximum deposit insurance amount is subject to an inflation adjustment.

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

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

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

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

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