

**FORM A-1
TEMPLATE LETTER TO PERSON
MAKING POTENTIAL MISREPRESENTATION**

[Date]

[Name]
[Address]
[Address]

Re: Advisory Letter Regarding Potential Violations of Section 18(a)(4) of the FDI Act

Dear [Name],

I am an attorney in the Legal Division of the Federal Deposit Insurance Corporation (FDIC). As part of its responsibilities, the FDIC routinely reviews advertisements that claim to offer FDIC-insured products, otherwise reference the FDIC, or make representations about deposit insurance.

Your advertisement, which appeared [advertisement placement] and may also appear in other media, has come to the attention of the FDIC. A copy of the advertisement is enclosed with this letter.

This advertisement appears to [contain false or misleading representations regarding deposit insurance, omit material facts regarding deposit insurance, and/or make improper use of the FDIC's name or logo]. These [false or misleading representations, omissions, and/or misuse] include [description of representations, omissions, or misuse]. A reasonable reading of your advertisement to a consumer is that [description of false impression created by advertisement]. In fact, [explanation of why this impression does not appear to be not true].

Section 18(a)(4) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. § 1828(a)(4), prohibits any person from representing or implying that an uninsured deposit is insured or from knowingly misrepresenting the extent and manner in which a deposit liability, obligation, certificate, or share is insured under the FDI Act. The FDIC has the authority to enforce these provisions of the FDI Act against any person or entity. Enforcement tools available to the FDIC include the authority to issue cease-and-desist orders and to assess civil money penalties for violations of Section 18(a)(4).

Based upon the information available to us, the attached advertisement appears to violate Section 18(a)(4) of the FDI Act. Consequently, we request that you revise your advertisement to [remove false or misleading representations and/or address material omissions], to ensure that future advertisements no longer creates the impression that [description of false impression], and otherwise ensure that future advertising accurately describes the availability and extent of deposit

insurance. Please provide a copy of any revised advertisement, as well as a commitment to refrain from making similar misrepresentations in the future, to my attention at the address below by [15 days from date of letter].

Alternatively, if you believe that the representations in your advertisement are true and accurate, please provide information and documentation supporting the accuracy of the advertisement to me by [15 days from date of letter].

Failure to take action as requested by this letter may result in the FDIC taking appropriate action as authorized by the FDI Act or any other applicable law or regulation.

Should you have any questions about the contents of this letter, please contact the signatory at [phone number of assigned attorney].

Sincerely,

[Assigned Attorney]

FORM A-2
TEMPLATE LETTER TO THIRD-PARTY PUBLISHER

[Date]

[Name]
[Address]
[Address]

Re: Advisory Letter Regarding Potential Violations of Section 18(a)(4) of the FDI Act

Dear [Name],

I am an attorney in the Legal Division of the Federal Deposit Insurance Corporation (FDIC). As part of its responsibilities, the FDIC reviews advertisements that claim to offer FDIC-insured products, otherwise reference the FDIC, or make representations about deposit insurance.

[Third-Party Publisher] recently published an advertisement for [advertiser] in [advertisement placement] and may also have published this advertisement in other media. A copy of the advertisement is enclosed with this letter.

The advertisement published by [Third-Party Publisher] has come to the attention of the FDIC and appears to [contain false or misleading representations regarding deposit insurance, omit material facts regarding deposit insurance, and/or make improper use of the FDIC's name or logo]. These [false or misleading representations, omissions, and/or misuse] include [description of representations, omissions, or misuse]. A reasonable reading of this advertisement to a consumer is that [description of false impression created by advertisement]. In fact, [explanation of why this impression does not appear to be not true].

Section 18(a)(4) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. § 1828(a)(4), prohibits any person from representing or implying that an uninsured deposit is insured or from knowingly misrepresenting the extent and manner in which a deposit liability, obligation, certificate, or share is insured under the FDI Act. The FDIC has the authority to enforce these provisions of the FDI Act against any person or entity. Enforcement tools available to the FDIC include the authority to issue cease-and-desist orders and to assess civil money penalties for violations of Section 18(a)(4).

Based upon the information available to us, the attached advertisement appears to violate Section 18(a)(4) of the FDI Act. Consequently, we request that you immediately cease publication of the advertisement until such time as the [false or misleading representations or material omissions] have been corrected. Please provide a confirmation that you have ceased publication of the advertisement in question and will refrain from publishing this advertising until such [false or



misleading representations or material omissions] have been corrected. Please provide this confirmation in writing to me at the address below by [15 days from date of letter].

Alternatively, if you or the advertiser believe that the representations in the advertisement are true and accurate, please provide information and documentation supporting the accuracy of the advertisement to me by [15 days from date of letter].

Failure to respond to this letter may result in the FDIC taking appropriate action as authorized by the Federal Deposit Insurance Act and any other applicable law or regulation.

Should you have any questions about the contents of this letter, please contact the signatory at [phone number of assigned attorney].

Sincerely,

[Assigned Attorney]

FORM A-3
Template Letter to Internet Service Provider

[Date]

[Name]
[Address]
[Address]

Re: Advisory Letter Regarding Potential Violations of Section 18(a)(4) of the FDI Act

Dear [Name],

I am an attorney in the Legal Division of the Federal Deposit Insurance Corporation (FDIC). As part of its responsibilities, the FDIC reviews advertisements that claim to offer FDIC-insured products, otherwise reference the FDIC, or make representations about deposit insurance.

The following website has come to the attention of the FDIC and appears to [contain false or misleading representations regarding deposit insurance, omit material facts regarding deposit insurance, and/or make improper use of the FDIC's name or logo]: [URL]

The [false or misleading representations, omissions, and/or misuse] include [description of representations, omissions, or misuse]. A reasonable reading of this website by a consumer is that [description of false impression created by advertisement]. In fact, [explanation of why this impression does not appear to be not true].

Section 18(a)(4) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. § 1828(a)(4), prohibits any person from representing or implying that an uninsured deposit is insured or from knowingly misrepresenting the extent and manner in which a deposit liability, obligation, certificate, or share is insured under the FDI Act. The FDIC has the authority to enforce these provisions of the FDI Act against any person or entity. Enforcement tools available to the FDIC include the authority to issue cease-and-desist orders and to assess civil money penalties for violations of Section 18(a)(4).

Based upon the information available to us, the referenced website appears to violate Section 18(a)(4) of the FDI Act. We bring this to your attention as the internet service provider for the website, so that you may investigate and take appropriate action as soon as possible. We request that you provide the results of your investigation and any corrective action taken to my attention at the address below by [15 days from date of letter].

Alternatively, if your investigation concludes or if the owner of the website believes that the representations made are true and accurate, please include information and documentation supporting the accuracy of these representations to me by [15 days from date of letter].

Failure to respond to this letter may result in the FDIC taking appropriate action as authorized by the Federal Deposit Insurance Act and any other applicable law or regulation.

Should you have any questions about the contents of this letter, please contact me at [phone number of assigned attorney].

Sincerely,

[Assigned Attorney]