***NOTICE****: The following has been provided by WBA committee and section volunteers for use by member banks.
It should be reviewed and revised as appropriate to the user-bank’s own policies, procedures, and practices.*

**Advertising Checklists**

Different regulations have slightly different definitions of "advertising," but for the purposes of this checklist, advertising is any message in any media designed to attract attention to the bank and its products and services.

**Examples of advertisements include:**

* Messages in a newspaper, magazine, leaflet, promotional flyer, or catalog
* Announcements on radio, television, or public address systems
* Online messages such as e-mail
* Information on Internet websites, including the bank's own website and social platforms
* Direct mail literature
* Printed material on any exterior or interior sign
* Point of sale displays
	+ Messages on account statements offering additional bank products or services
	+ Messages on ATM screens promoting bank products or services
* Telephone solicitations, telephone voice response systems, and telephone hold messages
* Letters sent to customers as part of an organized solicitation of business

**Examples of messages that would NOT be considered advertisements include:**

* Direct personal contacts, follow-up letters, cost estimates for individual consumers, or verbal or written communication relating to the negotiation of a specific transaction
* Informational material, such as interest rate and loan term memos distributed only to business entities
* Notices required by federal or state law if no additional information other than that required is displayed
* News articles controlled by the news medium
* Market-research or educational materials that do not solicit business

The following pages include advertising checklists for bank products and services. See the definition of adverting covered by these checklists at the top of this page.

All items should be answered either “Yes” or “N/A.” Any answered “No” must receive further attention.

|  | **Yes** | **No** | **N/A** |
| --- | --- | --- | --- |
| **General Requirements** |
| Does ad contain only accurate information that is not misleading? |  |  |  |
| Does ad include "Member FDIC" in conjunction with the bank name? |  |  |  |
| Does ad include the full "Equal Housing Lender" logo and legend? |  |  |  |
| Does the ad use pictures and images that portray the bank as inclusive and not exclusive with relation to race, sex, handicap, or any other prohibited discriminatory basis? |  |  |  |

All items should be answered either “Yes” or “N/A.” Any answered “No” must receive further attention.

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| --- | --- | --- | --- |
|  | **Yes** | **No** | **N/A** |
| **Lending Advertisements – General Requirements** |
| Does the ad state only specific credit terms that are or will be offered by the bank? |  |  |  |
| Are the terms and disclosures in the ad made clearly and conspicuously? |  |  |  |
| Does the ad include “Member FDIC”? |  |  |  |
| Does the ad contain the statement: “offer of credit is subject to credit approval”? |  |  |  |
| **Lending Advertisements – Closed-End Credit** |
| Does the ad state finance charge rates as an "Annual Percentage Rate" using that term or the abbreviation, "APR”?  |  |  |  |
| If the annual percentage rate is stated, and may increase after consummation, does the ad disclose that fact? |  |  |  |
| If the simple interest rate applied to the unpaid balance is stated in the ad, is it stated only in conjunction with, and not more conspicuously than, the APR? |  |  |  |
| Does the ad state the amount or percentage of any down payment, the number of payments, period of repayment, the amount of any payment, or the amount or rate of any finance charge? If so, does the ad also include, clearly and conspicuously, the amount or percentage of the down payment and the terms of repayment (number, amount, and frequency of payments), including the balloon payment and the "Annual Percentage Rate" using that term (or the abbreviation, "APR")? An example of one or more typical extensions of credit with a statement of all terms applicable to each may be used. |  |  |  |
| If the ad is multi-page or electronic, does the ad include a table or schedule with all required disclosure information? Does each reference to number of payments, period of repayment, the amount of any payment, or the amount or rate of any finance charge include a clear reference to the page on which the table or schedule is located? |  |  |  |
| Does the ad promote the availability of the initial rate reduction in such transactions by advertising the reduced simple annual rate and provide, with equal prominence and in close proximity, the limited term to which the reduced rate applies and the APR that will apply after the term of the initial rate reduction expires? |  |  |  |
| If a balloon payment will occur when the consumer only makes the minimum payments specified in an advertisement, does the ad state, with equal prominence and in close proximity to the minimum payment statement, the amount and timing of the balloon payment that will result if the consumer makes only the minimum payments for the maximum period of time that the consumer is permitted to make such payments. |  |  |  |
| Do the examples labeled as “example” reflect representative credit terms made available by the creditor? |  |  |  |
| Are the triggering terms clearly and conspicuously disclosed with equal prominence and in close proximity? |  |  |  |
| If ad is for credit secured by a first lien on a dwelling, does the ad state the fact that the payments do not include the amounts for taxes and insurance premiums, if applicable, and that the actual payment obligation will be greater? |  |  |  |
| **Lending Advertisements – Open-End Credit** |
| Does the ad clearly and conspicuously state any minimum, fixed, transaction, activity, or other similar charge that may be imposed? |  |  |  |
| Does the ad clearly and conspicuously state any periodic rate that may be applied, expressed as an “Annual Percentage Rate” or the abbreviation, "APR”? |  |  |  |
| If the plan provides for a variable periodic rate, does the ad disclose that fact? |  |  |  |
| Does the ad disclose any membership or participation fee that could be imposed? |  |  |  |
| **Lending Advertisements – Additional Requirements for Home Equity Open-End Credit** |
| Does the ad clearly and conspicuously state any loan fee that is a percentage of the credit limit under the plan? |  |  |  |
| Does the ad clearly and conspicuously state an estimate of any other fees imposed (by the bank or third parties, such as appraisers) for opening the plan? These fees may be stated as a single dollar amount or a reasonable range. Does the ad clearly and conspicuously state any periodic rate used to compute the finance charge, expressed as an APR? |  |  |  |
| Does the ad clearly and conspicuously state the maximum annual percentage rate that may be imposed in a variable-rate plan? |  |  |  |
| If the ad states an initial annual percentage rate that is not based on the index and margin used to make later rate adjustments? Does the ad also state the period of time such rate will be in effect? Also, does the ad state, with equal prominence and close proximity to the initial rate, a reasonably current annual percentage rate that would have been in effect using the index and margin? |  |  |  |
| Does the ad contain a statement about minimum periodic payments? If applicable, does it also state that a balloon payment may occur if the consumer only makes minimum payments for the maximum period? |  |  |  |
| If the ad makes any reference to tax deductibility, does the ad state: "consult a tax advisor regarding the deductibility of interest"? |  |  |  |
| Does the ad avoid referring to a home-equity plan as "free money" or any other misleading terms? |  |  |  |

All items should be answered either “Yes” or “N/A.” Any answered “No” must receive further attention.

|  | **Yes** | **No** | **N/A** |
| --- | --- | --- | --- |
| **Deposit Advertisements** |
| Does the ad accurately reflect the bank’s terms for the deposit product being promoted? |  |  |  |
| Does the ad include using the terms “free”, “no cost”, “fee waived”, or similar terms? * If the advertisement is for a “free” checking account, does the advertised product list any maintenance fee, activity fee, service charge, or similar fee that may be imposed under any circumstance?
* If the words “free”, “no cost”, “fee waived”, or similar term is used, does the advertisement include appropriate language to make it clear exactly what is free, no cost, or waived, and any restrictions that may apply?
* If the “free”, “no cost”, or “fee waived” is only for a limited time, is that time disclosed?
 |  |  |  |
| Does the ad avoid using the term "profit" in referring to interest paid on an account? |  |  |  |
| Does the ad include “Member FDIC”?*(“Member FDIC” is not required in radio or TV ads that do not exceed 30 seconds.)* |  |  |  |
| If the ad states a rate of return, does it state the rate as an "Annual Percentage Yield”? Is it expressed to exactly two decimal places? The abbreviation "APY" may be used, provided that the term "Annual Percentage Yield" is stated at least once in the ad.* An ad for a tiered-rate account must state the APY and interest rate for each tier, along with the corresponding minimum balance requirement.
* An ad that states an interest rate for stepped-rate accounts must state all the interest rates and the time period that each rate is in effect. Also, it must state if the APY shown for the blending of all the interest rates paid.
 |  |  |  |
| If the ad states any other rate, is it only the "interest rate"? Is it stated in conjunction with, but not more conspicuously than, the APY to which it relates? Is it expressed to exactly two decimal places? |  |  |  |
| If the interest rate is disclosed in the ad, is it not more conspicuous than the APY to which it relates? |  |  |  |
| If the ad refers to an account that has activity restrictions (savings accounts and money market accounts), does the ad indicate those activity restrictions that apply? |  |  |  |
| If the ad states the APY, does it also, to the extent applicable, clearly and conspicuously state the following:* For variable rate accounts, a statement that the rate may change after the account is opened.
* The period of time the APY will be offered, or a statement that the APY is accurate as of a specified date. This date must be recent in relation to the publication. Use of the phrase: "Rate is current through the date of this issue", if the publication shows the date.
* The minimum balance required to obtain the advertised APY. For tiered-rate accounts, the minimum balance required for each tier must be stated in close proximity and with equal prominence to the applicable APY.
* The minimum balance to open the account, if it is greater than the minimum balance necessary to obtain the advertised APY.
* A statement that fees could reduce earnings on the account.
* For time accounts, the term of the account.
* For time accounts, a statement that a penalty will or may be imposed for early withdrawal.
 |  |  |  |
| If the ad is for a certificate of deposit or other time deposit account, does the ad include the term of the account and a statement that a penalty will or may be imposed for early withdrawal? |  |  |  |
| If the ad states a bonus (any gift or award worth more than $10.00), does the ad also, to the extent applicable, clearly and conspicuously state the following:* The “Annual Percentage Yield”, using that term (and all the additional disclosure requirements above).
* The time requirement to obtain the bonus.
* The minimum balance required to obtain the bonus.
* The minimum balance to open the account if it is greater than the minimum balance necessary to obtain the bonus.
* When the bonus will be provided.
 |  |  |  |
| The deposit advertising requirements may be omitted in advertisements in certain media, including: * Broadcast or electronic media such as television or radio (excluding Internet)
* Outdoor media such as billboards
* Telephone response systems
 |  |  |  |
| Signs inside the premises of the bank are not subject to any of these deposit advertising requirements (except in referring to accounts as "free", "no cost", or similar term) if the sign:* States the rate as an "Annual Percentage Yield" or "APY".
* States no other rate other than the interest rate in conjunction with the APY to which it relates.
* Contains a statement that advises consumers to contact an employee for further information about applicable fees and terms.

Indoor signs include advertisements displayed on computer screens, banners, preprinted posters, and chalk or peg boards. Advertisements may be indoor signs even though they may be viewed by consumers from outside. An example is a banner in a bank's glass-enclosed branch office that is located behind a teller, facing customers but is readable by those passing the branch. Any advertisement inside the premises that can be retained by a consumer (such as a brochure, flyer, or computer printout) is NOT an indoor sign. |  |  |  |

All items should be answered either “Yes” or “N/A.” Any answered “No” must receive further attention.

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| --- | --- | --- | --- |
|  | **Yes** | **No** | **N/A** |
| **Nondeposit Investment Products (including brokerage, insurance, and annuities)** |
| Does the ad avoid any misleading information about the nature of these products or the lack of FDIC insurance? |  |  |  |
| Does the ad avoid the use of the legend "Member FDIC" as it relates to these products? |  |  |  |
| Does the ad include a clear and conspicuous disclosure of the following (as applicable):* Not a deposit
* Not FDIC-insured
* Not insured by any federal government agency
* Not guaranteed by the bank
* May go down in value
 |  |  |  |
| Does the ad clearly and conspicuously identify the third-party company selling the investment product? |  |  |  |
| If the ad combines advertising for nondeposit investment products and FDIC-insured deposit products, is the information about nondeposit investment products clearly segregated from the information about the FDIC-insured products in the ad? |  |  |  |
| If the ad is for a product sold by a third-party company, has the ad been approved by their compliance group? |  |  |  |