***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.*

**Customer Communications Warning of Deceptive Marketing**

This resource has been created by the Wisconsin Bankers Association Mortgage Lending Committee and is being shared as a tool to help alert bank customers of deceptive marketing materials they may receive. The tool will need to be customized as highlighted throughout.

**Background**

Many Wisconsin banks have reported to the WBA of customers receiving marketing materials or solicitations which have the bank’s name, logo, or have the appearance of being approved or sent by the bank. The materials are deceptive. Customers may become upset with the bank thinking their nonpublic information has been shared or sold to others. Often these deceptive marketing pieces appear after a mortgage loan application has been submitted or after a mortgage loan has closed, which is why the WBA Mortgage Lending Committee thought a customer awareness letter would be helpful in the mortgage loan setting.

The letter has been created as a tool to alert the customer to be aware of possible deceptive marketing materials. The hope is that customer awareness will help reassure the customer the bank has not shared or sold nonpublic customer information.

Wisconsin law prohibits the use of bank name, logo, symbol, or any combination thereof that is deceptively similar to a bank name or its logo. State law also prohibits any marketing material or solicitation in a manner that makes a reasonable person believe the material is from the bank, was endorsed by the bank, or that the bank is responsible for the item.

The letter sets forth that the bank wishes to proactively alert the customer of the possibility of deceptive mail, to reassure the customer no information was shared, and to request the customer bring in the materials they receive for the bank to act upon.

Banks that receive marketing materials from customers that deceptively use a bank name or logo are welcome to contact WBA Legal who will forward the incident to the Wisconsin Department of Financial Institutions on the bank’s behalf for further action.

The following is the template letter. The letter may be provided at time of application, at closing, or as a separate mailing to the customer. Banks need to modify the letter accordingly.

**[TEMPLATE FOR COMMUNICATION WITH NEW MORTGAGE LOAN CUSTOMER WARNING OF POSSIBLE SOLICITATION OF MORTGAGE PRODUCTS, INCLUDING MORTGAGE INSURANCE-RELATED PRODUCTS]**

**User needs to modify the letter by removing bracketed information and customize before use to ensure the template is accurate to bank’s own marketing or data sharing initiatives.**

**[For use on Bank Letterhead]**

**[Date]**

**[Customer Name]**

**[Customer Address]**

**Re: Alert of potential unsolicited mortgage loan or mortgage insurance related products by unrelated companies**

Dear **[Customer Name]**,

As a loan customer who recently **[applied for] [closed]** a mortgage loan with **[Bank Name]**, we wish to thank you for your business and express our appreciation.

We also wish to proactively alert you of potentially receiving unsolicited marketing materials as a result of the recent mortgage transaction. These may include rate offers and mortgage insurance products. It is highly likely the marketing materials may include the bank name or reference to your recent mortgage **[application][transaction]**. The materials may even have an amount listed similar to your recent transaction. Often these materials will have the bank’s name within an address window or in other prominent locations to entice you to open and respond to the material.

**[Bank Name]** wishes to assure you these unsolicited marketing materials are not originated by **[Bank Name]**; nor is the solicitation endorsed by us. **[Bank Name]** did not share information about you or the recent loan **[application][transaction]** to create such marketing materials. Others within the mortgage lending industry use public information, such as filings with the local Register of Deeds Office or information from credit reports, to create the materials and generate leads.

Should you receive such materials, feel free to drop them off during your next stop into the branch as we actively respond through our regulators to cease such deceptive marketing tactics.

If you have any questions, never hesitate to contact us.

Again, thank you.

**[name block]**