

Scrolling Electronic Signs and the Equal Housing Lender Logo

Answer by **Dennis Deischer** and **Andy Zavoina**

[BIO AND CONTACT INFO](#)

Question: On scrolling electronic signs, when you advertise loans, does the "equal housing lender" logo have to be displayed?

Answer by Dennis Deischer

[BIO AND CONTACT INFO](#)

My understanding is that the type advertising you refer to is exempt from the display of the logo.

Answer by Andy Zavoina

[BIO AND CONTACT INFO](#)

I would be of the opposite opinion of Dennis. I don't recall an exemption for this but the Regs do seem pretty inclusive. And while more current opinions address electronic advertising (and stating that this is required) it was intended for the Web.

We have the outside signs that you put individual letters on and when I last looked into this, we did no home loan advertising because we didn't have a doghouse logo for it. That requirement has gone away from OCC regulated banks, but in all my readings, it is still a practice that is encouraged.

Short of getting a specific cite, you might talk to your regulator.

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Yard Signage and Triggered Disclosures

by Andy Zavoina, BOL Guru

[Guru BIOS](#)

Question: We want to promote our bank when we make home loans by placing a yard sign on the property, at least temporarily. It will have the bank's logo and say "Helping the community grow." What needs to be on the sign?

Answer: As an ad for an FDIC insured institution you should have "Member FDIC" disclosed. The Equal Housing/Opportunity logo and legend are also appropriate or required, depending on your regulator. Adding it is the best thing to do in either case.

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Advertising Disclosures With Letterhead

by David Dickinson, BOL Guru

[Guru BIOS](#)

Question: On letterhead from the mortgage area, is the equal housing logo required?

Answer: The housing logo is only needed when you promote home loans.

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Using the EHL in Print Advertising

Answer by David Dickinson, BOL Guru

[Guru BIOS](#)

Question: What is the latest ruling for use of the Equal Housing Lender logo in print advertising? For OCC-regulated banks, may we use the words Equal Opportunity Lender instead of Equal Housing Lender with our doghouse logo? What about using the words Equal Opportunity Housing?

Answer: The OCC no longer requires the Fair Housing logo. This was omitted from their interpretation (I think) in the late 90s.

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Mandatory Use Of EHL Logo

by David Dickinson, BOL Guru

[Guru BIOS](#)

Question: Do you have to use the Equal Housing Lender logo in ads or can you just use the text, Equal Housing Lender? I want to know if the use of the logo is mandatory.

Answer: Each of the federal bank regulators [the FDIC calls it §338.4(a)] has published regulations requiring:

1. The Equal Housing Lender logo be used in any written or visual advertisement of any loan for the purpose of purchasing, constructing, improving, repairing or maintaining a "dwelling" or any loan secured by a dwelling; and
2. For verbal advertisements (radio) a bank must state that the bank is an "Equal Housing Lender" or an "Equal Opportunity Lender."

The logo is both the picture of the house and the words.

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EHOL Logo Requirement

by Andy Zavoina, Richard Insley and David Dickinson, BOL Gurus

[Guru BIOS](#)

Question: Is a picture of the "doghouse" required when advertising for loan products? I know the verbiage Equal Housing lender is required but not sure if the house needs to be there.

Answer by Andy Zavoina: The OTS banks must use the logotype in all ads. The logotype is the house and the text. These are available in the [Bankers Tools](#). For FDIC and FRB banks it is required if you are advertising a housing related product. There are no OCC requirements for this, but I'd encourage it when a housing related product is advertised similar to FRB/FDIC requirements.

Answer by Richard Insley: Andy- What's the cite for the OTS regs? I didn't realize they required more than the FDIC & Fed. Also, OCC no longer requires the doghouse/legend, but I'm told the agency encourages use of these items. Once again, I'd love to know where I can reference this position in writing.

Answer by David Dickinson: Here's the OTS cite: §528.4. It requires the logo on ALL ads, except savings ads.

I have never heard that the OCC "favors" the use of the logo. If they want it in, why did they remove the requirement?

Answer by Andy Zavoina: The OCC didn't remove the requirement. They referred to a HUD cite which was rescinded by HUD and the OCC didn't replace it with a stand alone requirement.

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Graphic Standards for EHL Logos

Answer by Richard Insley and Andy Zavoina, BOL Gurus

Question: Where can I locate graphic standards for the Equal Housing Lender and/or Opportunity logos? I found downloadable art on the HUD site but no info on use, (size restrictions, typography, etc.)

Answer by Richard Insley:

[BIO AND CONTACT INFO](#)

I don't believe there are hard and fast rules, but the doghouse and legend must be clear and legible if you are to meet a common sense reading of the requirement.

Answer by Andy Zavoina:

[BIO AND CONTACT INFO](#)

Many years ago there was guidance on the logo size as compared to the ad itself. That was removed. See Richard's answer for today's guidance.

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Regulatory Logos on Promotional Items

Answer by David Dickinson, BOL Guru

[BIO AND CONTACT INFO](#)

Question: Is there required FDIC/Equal Housing logos or the like on promotional items such as coffee mugs, sun visors, etc., or is the financial institution name or logo be sufficient?

Answer:

The Equal Housing Lender logo is only needed on home loan advertisements. You do not need to put the FDIC logo on *"Advertisements which are of the type or character making it impractical to include thereon the official advertising statement including, but not limited to, promotional items such as calendars, matchbooks, pens, pencils, and key chains."*

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Multiple Products, One Ad, & Disclosures

Answer by Lucy Griffin and Jim Bedsole, BOL Gurus

Question: I was working on a general ad for our community bank and I wanted to do a checklist of all of the services that we offer. If I list our checking options and then include that we offer regarding investment and insurance services what disclosures do I need to include? Should the FDIC disclosure be included since I am listing checking options?

Answer by Andy Zavoina:

[BIO AND CONTACT INFO](#)

I believe you are better off not mixing insured and non-insured products. If you do this however, separate the two and clearly indicate which are FDIC insured, and which are not. This ad-within-an-ad concept would differentiate the two with colors, bold lined boxes, etc. and clearly depict the "may, may, not" on the NDIP products.

Answer by Jim Bedsole

[BIO AND CONTACT INFO](#)

Or would that be "not, not, may"?

Answer by Andy Zavoina:

[BIO AND CONTACT INFO](#)

That would be "we sold off that line and I haven't messed with it as much as it has messed with me". Thanks for the correction.

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Is the FDIC logo required on business cards?

Answer by Jim Bedsole, BOL Guru

[BIO AND CONTACT INFO](#)

Question: Are FDIC insured banks required to disclose on their employees' business cards the FDIC symbol? An examiner has stated that a business card advertises the bank itself and not the individual or department reflected on the card., therefore, the symbol is required. I have reviewed the advertising requirements and unable to find a definite answer.

Answer: We've never included it on business cards. You could make a valid case for either 328.3(c)(2) or for 328.3(c)(10) as providing the exception.

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Using The FDIC Logo When Marketing Your Wealth Management Products

Answer by John Burnett, BOL Guru

[BIO AND CONTACT INFO](#)

Question: We are running a print ad for our Wealth Management Department. It includes bullets for Trust, Investment Management, Investment Center and Private Banking. Do we need the FDIC "logo" because Private Banking products are bank products even though the others are not?

Answer: Yes. Private banking presents this problem in many bank ads. If you mention Private Banking's deposit services, you need to identify yourself as an insured bank.

At the same time, however, I believe you should distinguish the uninsured products from those that are insured. And you should consider using the bulleted investment risk warnings.

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Trust & Investment Products In The Same Ad

Answer by Lucy Griffin, BOL Guru

[BIO AND CONTACT INFO](#)

Question: In placing an ad in the newspaper for deposit products, can trust and investment products be a part of the same ad since trust products are not FDIC insured?

Answer: The FDIC would like to see separate ads, or an ad that, by its design, makes clear that the trust and investment products are not covered by deposit insurance. Much comes down to the ad design. The best advice is not to combine investment ads with deposit ads. If you must, be very, very careful!

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Depositors Insurance Fund Requirements

Answer by Andy Zavoina, BOL Guru

[BIO AND CONTACT INFO](#)

Question: When a bank is a member of the Depositors Insurance Fund, are they required to include this disclosure in all advertising - particularly television ads? Can you give me a legal citation to refer to?

Answer: 12 CFR 328.3 requires this when you advertise deposit products. Exceptions are under (c) of this cite which includes (9) Advertisements by television, other than display advertisements, which do not exceed thirty (30) seconds in time;

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Advertising NDIP On Outdoor Signs

Answer by Rick Wemmers and Andy Zavoina, BOL Gurus

QUESTION: We have an outdoor monument sign at the street in front of our building with the name of our Bank and "Member FDIC" as part of the permanent wording on the sign. This sign also has 4 lines where we can insert letters to spell out messages or ads. Can we advertise Non-Deposit Investment Products or even announce that we offer Non-Deposit Investment Products on this sign?

ANSWER by Rick Wemmers: [BIO AND CONTACT INFO](#)

I would think so, as long as you comply with the GLB rules and regs.

ANSWER by Andy Zavoina: [BIO AND CONTACT INFO](#)

I would believe that displaying "Member FDIC" just above an NDIP advertisement could be construed as confusing or misleading and I would shy away from this short of regulatory approval. The interagency bulletins that came out in the 1994-1996 timeframe were clear on this. While it is more common now to offer these products, disclosure requirements haven't changed.

It doesn't sound as though there is enough room for a good ad and the common "may, may, not" disclosure.

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Required Disclosures for Banking/Insurance Marketing Brochures

by Rick Wemmers and Lucy Griffin, BOL Gurus

QUESTION: The holding company my bank is an affiliate of also owns an insurance agency in our market area. I recently saw a marketing brochure of theirs (my bank's Marketing Director acted as a consultant on the piece) that references that my bank and they are corporate partners. In the brochure are the types of insurance they sell, to include life, and the products they offer such as IRA's. There are no FDIC disclosures or NDIP disclosures in the brochure. Do we have a regulatory problem?

ANSWER by Rick Wemmers

[BIO AND CONTACT INFO](#)

When in doubt put it in. If that can't be done, make sure the insurance folks understand very clearly the rules and regs. regarding their association with the bank.

ANSWER by Lucy Griffin

[BIO AND CONTACT INFO](#)

There are different standards from agency to agency and examiner to examiner. Some will tolerate the omission -- or not notice it. However, most examiners will require the inclusion of the non-deposit warnings. I am aware of several situations where examiners are requiring companies to redesign brochures because of the situation you describe.

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Readability Standards For "Clear and Conspicuous" Display

by Richard Insley, BOL Guru

[BIO AND CONTACT INFO](#)

Question: Are there any specific size/readability requirements relative to disclosures for Member FDIC, Equal Housing Lender Logos, and, if applicable, disclosures relative to TISA or TILA on billboards? I'm having difficulty understanding what is meant by "clear and conspicuous standards" and am interested in knowing if there are standards for the readability of these disclosures? Is there an industry practice relative to inches of fonts (regardless of the size of the billboard)?

Answer: I am aware of no point size limitations on any disclosure except the "Schumer box" disclosure of the APR for credit cards. Obviously, required items can be reduced to the point where the message is lost and examiners will declare that the disclosure was, in effect, not given.

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FDIC Statement in Ads

Answer by: Jim Bedsole and Mary Beth Guard, BOL Gurus

Question: We are a savings mutual association, a member of SAIF and insured by the FDIC. What are we required to have in advertisements for deposit products concerning FDIC insurance? What do banks have to have?

Answer by Jim Bedsole

[BIO AND CONTACT INFO](#)

Member FDIC

Answer by Mary Beth Guard

[BIO AND CONTACT INFO](#)

The requirements for banks are set forth in Section 328.3 of the FDIC regulations below. If you can provide the parallel citation for savings associations, [email it to me!](#)

§ 328.3 Mandatory requirements with regard to the official advertising statement and manner of use by banks.

(a) Insured banks to include official advertising statement in all advertisements except as provided in paragraph (c) of this section. Each insured bank shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

(1) An insured bank is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured bank.

(2) In cases where the Board of Directors of the Federal Deposit Insurance Corporation

shall find the application to be meritorious, that there has been no neglect or willful violation in the observance of this section and that undue hardship will result by reason of its requirements, the Board of Directors may grant a temporary exemption from its provision to a particular bank upon its written application setting forth the facts. For the procedure to be followed in making such application see § 303.8 of this chapter.

(3) In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured bank may cause the official advertising statement to be included by use of a rubber stamp or otherwise.

(4) When a foreign bank has both insured and noninsured U.S. branches, the bank must identify which branches are insured and which branches are not insured in all of its advertisements requiring the use of the official advertising statement.

(b) Official advertising statement. The official advertising statement shall be in substance as follows: "Member of the Federal Deposit Insurance Corporation." The word "the" or the words "of the" may be omitted. The words "This bank is a" or the words "This institution is a" or the name of the insured bank followed by the words "is a" may be added before the word "member." The short title "Member of FDIC" or "Member FDIC" or a reproduction of the "symbol" may be used by insured banks at their option as the official advertising statement. The official advertising statement shall be of such size and print to be clearly legible. Where it is desired to use the "symbol" of the Corporation as the official advertising statement, and the "symbol" must be reduced to such proportions that the small lines of type and the Corporation seal therein are indistinct and illegible, the {{10-30-92 p.2300}}Corporation seal in the letter C and the two lines of small type may be blocked out or dropped.

(c) Types of advertisements which do not require the official advertising statement. The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured bank which are required to be published by state or federal law;

(2) Bank supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit passbooks, certificates of deposit, etc.;

(3) Signs or plates in the banking office or attached to the building or buildings in which the banking offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured bank;

(6) Display advertisements in bank directory, provided the name of the bank is listed on any page in the directory with a symbol or other descriptive matter indicating it is a member of the Federal Deposit Insurance Corporation;

(7) Joint or group advertisements of banking services where the names of insured banks and noninsured banks or institutions are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed thirty (30) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed thirty (30) seconds in time;

(10) Advertisements which are of the type or character making it impractical to include thereon the official advertising statement including, but not limited to, promotional items such as calendars, matchbooks, pens, pencils, and key chains;

(11) Advertisements which contain a statement to the effect that the bank is a member of the Federal Deposit Insurance Corporation, or that the bank is insured by the Federal Deposit Insurance Corporation, or that its deposits or depositors are insured by the Federal Deposit Insurance Corporation to the maximum of \$100,000 for each depositor;

(12) Advertisements relating to the making of loans by the bank or loan services;

(13) Advertisements relating to safekeeping box business or services;

(14) Advertisements relating to trust business or trust department services;

(15) Advertisements relating to real estate business or services;

(16) Advertisements relating to armored car services;

(17) Advertisements relating to service charges or analysis charges;

(18) Advertisements relating to securities business or securities department services;

(19) Advertisements relating to travel department business, including traveler's checks on

which the bank issuing or causing to be issued the advertisement is not primarily liable;

(20) Advertisements relating to savings bank life insurance.

(d) Outstanding billboard advertisements. Where an insured bank has billboard advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

(e) Official advertising statement in non-English language. The non-English equivalent of the official advertising statement may be used in any advertisement: Provided, That the translation has had the prior written approval of the Corporation.

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Online Annual Reports and the FDIC Logo

by Rick Wemmers

BIO AND CONTACT INFO

QUESTION: If a annual report can be assessed on-line, is it considered an advertisement and therefore need to have the Member FDIC logo? Example would be on the CEO's letter to stockholders when generic products are mentioned?

ANSWER: FDIC Regulations §328.3(c) states:

Types of advertisements which do not require the official advertising statement. The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured bank which are required to be published by state or federal law;

The annual report would, in my opinion, fall in this category and would not require the "Member FDIC" logo whether in paper or electronic form.

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