

191—37.56 (507B,514D) Identity of insurer. Advertisements shall be in compliance with 191—subrule 15.3(9) and with the following:

37.56(1) Advertisements, stationery or envelopes that employ words, letters, initials, symbols or other devices are not permitted if they are so similar to those used by governmental agencies or other insurers that they may lead the public to believe:

a. The advertised coverages are somehow provided by or are endorsed by the governmental agencies or the other insurers;

b. The advertiser is the same as, is connected with or is endorsed by the governmental agencies or the other insurers.

37.56(2) No advertisement shall use the name of a state or political subdivision thereof in a policy name or description.

37.56(3) No advertisement in the form of envelopes or stationery of any kind may use any name, service mark, slogan, symbol or any device in such a manner that implies that the insurer or the policy advertised, or that any producer who may call upon the consumer in response to the advertisement, is connected with a governmental agency, such as the Social Security Administration.

37.56(4) No advertisement may incorporate the word “Medicare” in the title of the plan or policy being advertised unless, wherever it appears, the word is qualified by language differentiating the plan or policy from Medicare. Such an advertisement, however, shall not use the phrase “_____ Medicare Department of the _____ Insurance Company,” or language of similar import.

37.56(5) No advertisement shall be used that fails to include a disclaimer to the effect of “Not connected with or endorsed by the U.S. government or the federal Medicare program.”

37.56(6) No advertisement may imply that the reader may lose a right, privilege or benefit under federal, state or local law if the reader fails to respond to the advertisement.

37.56(7) No insurer may use, in the trade name of its insurance policy, any terminology or words so similar to the name of a governmental agency or governmental program as to have the tendency to confuse, deceive or mislead the prospective purchaser.

37.56(8) All advertisements used by producers or solicitors of an insurer shall have prior written approval of the insurer before the advertisements may be used.

37.56(9) A producer who makes contact with a consumer as a result of acquiring that consumer’s name from a lead-generating device shall disclose that fact in the initial contact with the consumer.