**20:06:10:14.  Identity of insurer and agent.** Health and life insurers or agents must be identified in advertisements or solicitations as follows:

(1)  The name of the actual insurer or the agent, if any, and the form number of policies specifically advertised must be clearly identified in all advertisements or solicitations. An advertisement or solicitation may not use a trade name, insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol, or other device which would mislead or deceive or tend to mislead or deceive as to the true identity of the insurer;

(2)  No advertisement or solicitation may use any combination of words, symbols, or physical materials which by their content, phraseology, shape, color, or other characteristics are so similar to combinations of words, symbols, or physical materials used by agencies of the federal government, this state, or local government or confuse or mislead prospective insured's into believing that the advertisement or solicitation is in some manner connected with an agency of local government, the state, or the federal government;

(3)  An agent shall inform the prospective purchaser, before beginning a health or life insurance sales presentation, that the agent is acting as a health or life insurance agent and shall identify, in writing, the agent and the complete name of the insurer which the agent is representing. An agent's business card is acceptable if it complies with this subdivision and this chapter. In sales situations in which an agent is not involved, the insurer shall inform the prospective purchaser of its complete name in writing;

(4)  An advertisement or solicitation may not create the impression directly or indirectly that the insurer, its financial condition or status, or the payment of its claims or the merits, desirability, or advisability of its policy forms or kinds of plans of insurance are approved, endorsed, or accredited by a division or agency of a municipality, the state, or the federal government.

**Source:** 4 SDR 6, effective August 9, 1977; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 15 SDR 143, effective March 28, 1989; 27 SDR 54, effective December 4, 2000; 38 SDR 116, effective January 10, 2012.

**General Authority:** SDCL 58-33A-7.

**Law Implemented:** SDCL 58-33-5, 58-33-6, 58-33-7, 58-33A-8, 58-33A-10.