IntelligenceBank

A Marketer's Guide to

U.S. Marketing Compliance Retail Banking Rules

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INTRODUCTION

Retail bank marketing comes with rules. A lot of them.

But that doesn't mean every campaign decision should require a call to your Compliance team.

This guide breaks down the most important U.S. retail banking regulations so you understand the fundamentals, spot common risks early and avoid unnecessary back-and-forth with Compliance teams on everyday decisions.

Disclaimer: This document is not intended as a substitute for legal or regulatory advice. This report has been prepared using both public and private data by IntelligenceBank, a provider of software that helps companies stay on brand and adhere to regulatory compliance. Companies should seek professional legal and regulatory advice when establishing internal compliance protocols.

RULES EVERY MARKETER MUST KNOW

Regulation Z
(Truth in Lending Act – TILA)

- Applies to credit product ads (credit cards, auto loans, mortgages).
- Requires clear disclosure of Annual Percentage Rate (APR), fees and repayment terms.

Example: If you say "0% APR," you must also show the terms and length of the offer.

UDAAP
(Unfair, Deceptive, or Abusive Acts or Practices)

- Applies to all marketing campaigns.
- Prohibits misleading, confusing, or incomplete advertising.

Example: Claims like "No fees!" but hiding conditions in fine print.

Regulation P
(Privacy of Consumer Financial Information – GLBA)

- Applies to customer data handling in campaigns.
- Requires clear privacy notices and opt-out options.

Example: Email sign-ups must explain how data will be used and offer unsubscribe options.

Regulation DD
(Truth in Savings Act – TISA)

- Applies to deposit account ads (savings, CDs, checking).
- Requires disclosure of APY, fees and balance requirements.

Example: Don't just say "5% APY." You must also show the conditions; such as minimum balance or time limits right alongside it.

RULES EVERY MARKETER MUST KNOW

FDIC Advertising Rules
(Part 328)

- Applies to all deposit advertising.
- Requires “Member FDIC” disclosure and proper logo use.

Example: Any ad for checking/savings must include “Member FDIC” in a legible way.

Fair Lending Laws
(ECOA, FHA)

- Apply to all marketing and targeting.
- Ensure ads don’t discriminate by race, gender, age, etc.

Example: Digital ads must avoid excluding protected groups.

CAN-SPAM Act

- Governs marketing emails.
- Requires truthful subject lines, working unsubscribe links and accurate sender info.

REGULATION Z

(TRUTH IN LENDING ACT – TILA)

WHAT IT IS

Regulation Z requires lenders to clearly disclose credit terms (APR, fees, repayment terms, total cost). It applies to mortgages, credit cards, auto loans and personal loans. Ads and promotions must not be misleading.

WHY IT MATTERS

- In 2024, Goldman Sachs was fined nearly $65 million for Apple Card marketing violations.
- Even small mistakes can trigger fines, lawsuits and reputational damage.

WHAT MARKETERS MUST DO

- Always disclose APR, fees and repayment terms.
- Avoid “teaser” language like “0% interest” without context.
- Ensure required disclosures are clear and prominent and accurate at the time they are advertised. If rates or terms change and the marketing isn’t updated, that’s a Reg Z violation.

EXAMPLE

BAD

“0% APR Credit Card!” (no terms shown).

GOOD

“0% APR for 12 months on purchases. After that, variable APR 18.99–24.99%. Terms apply.”

UDAAP

(UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES)

WHAT IT IS

UDAAP is the "catch-all" rule regulators use when ads are misleading, unfair or confusing — even if they don't explicitly violate Reg Z, DD or P.

WHY IT MATTERS

- Regulators use UDAAP to enforce against marketing that omits key facts or buries disclosures.
- Because it's broad, it creates risk across all campaigns.

WHAT MARKETERS MUST DO

- Avoid making claims that are misleading, incomplete or confusing.
- Make disclosures clear and not hidden in fine print.
- Ensure marketing materials are accurate, transparent, and not manipulative. For example, if a bank keeps running an ad that offers '5% APY' after the promo rate has expired, that's considered deceptive.

EXAMPLE

BAD

"No fees!" (but fees apply after 6 months, hidden in small print).

GOOD

"No monthly maintenance fees for the first 6 months. $10/month thereafter."

REGULATION P

(PRIVACY OF CONSUMER FINANCIAL INFORMATION – GLBA)

WHAT IT IS

Regulation P governs how banks collect, share, and protect customer data. It requires clear privacy notices and gives consumers the right to opt out of certain data sharing.

WHY IT MATTERS

- Fines for breaches can reach $1 million per day.
- Privacy failures destroy trust, especially in digital-first campaigns.

WHAT MARKETERS MUST DO

- Provide clear, conspicuous privacy notices in campaigns.
- Offer simple opt-out mechanisms for data sharing.
- Attribute third-party data correctly in all materials.

EXAMPLE

BAD

"Sign up for updates!"
(collects info, no disclosure).

GOOD

"Sign up for updates! We'll only use your email for product news.
[Privacy Policy] | Unsubscribe anytime."

REGULATION DD

(TRUTH IN SAVINGS ACT – TISA)

WHAT IT IS

Regulation DD applies to advertising deposit accounts (savings, Certificates of Deposit (CDs), checking). It requires banks to disclose the annual percentage yield (APY), fees and conditions when promoting deposit products.

WHY IT MATTERS

- Misleading APY promotions are a common source of consumer complaints.
- Enforcement actions often focus on “teaser rates” that don’t include balance requirements or time limits.

WHAT MARKETERS MUST DO

- Always show the APY when promoting interest rates.
- Check live content and collateral for expired offers. If a savings product changes its APY the old ads remaining in circulation will violate Reg DD.
- Make balance requirements and conditions equally prominent.
- Avoid hiding key terms in small print or footnotes.

EXAMPLE

BAD

“Earn 5% on your savings!” (no conditions).

GOOD

“Earn 5% APY on balances up to $10,000. Minimum deposit $500. Fees may reduce earnings.”

FDIC ADVERTISING RULES

(PART 328)

WHAT IT IS

FDIC rules govern how banks advertise insured deposit products. Marketing must include "Member FDIC" clearly and use the official FDIC sign/logo correctly.

WHY IT MATTERS

- Ads that omit "Member FDIC" or misuse the logo risk fines and reputational harm.
- Regulators scrutinize digital ads and social posts just as closely as print.

WHAT MARKETERS MUST DO

- Always include "Member FDIC" in ads for insured deposit products.
- Use the FDIC logo exactly as prescribed (no alterations).
- Don't suggest that non-deposit products (like investments) are FDIC insured.

EXAMPLE

BAD

"Safe & Secure Savings Account" (no FDIC mention).

GOOD

"Safe & Secure Savings Account — Member FDIC."

CAN-SPAM ACT

(CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY & MARKETING ACT)

WHAT IT IS

Although not exclusive to retail bank marketing, the CAN-SPAM Act is the rulebook governing all email communication that has a promotional purpose. This includes emails for credit cards, mortgages, auto loans and special banking promotions. The law requires the bank to be transparent, provide an easy exit for recipients and avoid deception in every commercial email sent.

WHY IT MATTERS

The financial penalties for violations are severe, but the reputational risk is even greater. Furthermore, regulators like the CFPB (Consumer Financial Protection Bureau) and the OCC (Office of the Comptroller of the Currency) expect banks to have robust compliance systems and CAN-SPAM failures can be seen as a symptom of wider operational weaknesses.

WHAT MARKETERS MUST DO

- Clearly identify commercial emails.
- Maintain a clean suppression list.
- Include physical address in all marketing emails.
- Carefully manage "Dual-Purpose" Emails: This is critical. If a transactional email (like a monthly statement notification) includes a promotional banner for a new savings account, the entire email must now comply with all commercial CAN-SPAM rules, including the unsubscribe link.
- Vet third-party partners If the bank hires a marketing agency to send emails on its behalf, the bank remains legally responsible.
- Don't sell or transfer email addresses of those who opt out.

EXAMPLE

BAD

"Your account alert!" (but it's a promo) with no unsubscribe link.

GOOD

Special Offer: 0% Intro APR for 12 Months." Footer includes: "This is a promotional email from ABC Bank, 123 Main St., New York, NY. To unsubscribe, click here."

FAIR LENDING LAWS

(EQUAL CREDIT OPPORTUNITY ACT – ECOA; FAIR HOUSING ACT – FHA)

WHAT IT IS

Fair lending laws prohibit discrimination in any aspect of credit and housing-related advertising.

- ECOA (Equal Credit Opportunity Act) ensures all consumers have equal access to credit, regardless of race, color, religion, national origin, sex, marital status, age, or receipt of public assistance.
- FHA (Fair Housing Act) applies to mortgage lending and housing-related ads, prohibiting discrimination in lending, sale, rental or advertising of housing.

WHY IT MATTERS

Violations trigger major regulatory actions, lawsuits, and reputational harm. Ad targeting is closely monitored: even unintentional digital ad filters that exclude groups (e.g., by ZIP code, age or gender) may be considered discriminatory.

WHAT MARKETERS MUST DO

- Ensure all campaigns are inclusive, i.e., does not discourage or exclude based on protected characteristics.
- Use language and visuals that reflect diversity, not preference.
- Avoid audience targeting practices that filter out protected groups.
- When advertising housing or mortgage products, always include the Equal Housing Lender statement and logo.

EXAMPLE

BAD

"Mortgage options perfect for young professionals" with images of only one demographic.

GOOD

"Flexible mortgage options for first-time and experienced buyers" with diverse imagery, plus Equal Housing Lender disclosure.

Ready to Simplify Your Compliance Process?

Upholding marketing compliance doesn't have to be a headache. With the right software and processes in place, you can ensure your marketing materials are compliant, accurate and effective. IntelligenceBank's AI content compliance solutions are designed to help banks like yours take a proactive approach to regulatory requirements while saving time and reducing risk. It's a great way to get up and running faster than building a solution from scratch, knowing that what the regulators are looking for is the same thing the software is pre-programmed to catch.

Contact us today to learn more or book a demo.

Learn more at IntelligenceBank.com

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