**Section 2002.APPENDIX A Guidelines**

**Section 2002.ILLUSTRATION V Guideline to Section 2002.90(a)**

a) This Section requires that all such statements must be genuine and not fictitious. Under this Section, the manufacturing, substantive editing or "doctoring-up" of a testimonial is clearly prohibited as being false and misleading to the insurance buying public. However, language which would be unacceptable under this Part must be edited out of a testimonial.

b) A testimonial must also represent the current opinion of the author. While an insurer is not required in each instance to check with the author each time the testimonial is used to ascertain that the views expressed have not altered, a testimonial should be checked before use in those instances when a change in views might be probable or reasonable to assume. When a testimonial is used more than one year after it was originally given, a confirmation must be obtained.

c) Testimonials or Endorsements by Third Parties. A "testimonial" is defined as a statement from a typical policyowner, group policyholder or beneficiary as to either benefits received in a claim payment or comments relating to the policyowner, group policyholder or beneficiary expressions of appreciation relating to those usual policyowner, group policyholder or beneficiary-company relationships.

d) An endorsement differs from a testimonial only through the fact that an endorsement includes any comments from any person except those of a typical policyowner, group policyholder or beneficiary who is commenting only on those usual policyowner, group policyholder or beneficiary-company relationships. A typical policyowner, group policyholder or beneficiary is not any person well known to the general public or who is classifiable as a celebrity.

e) There are two types of testimonials: Solicited and Unsolicited.

1) Solicited Testimonials are those in which the company has in any way contacted the policyowner, group policyholder or beneficiary requesting information about claims handling, policyowners service, etc. A solicited testimonial used in an advertisement must be clearly labeled with a statement such as, "These comments from policyowners, group policyholders or beneficiaries were received as a result of our questioning policyowners, group policyholders, or beneficiaries as to their thoughts about our service," or other language which indicates that the testimonial was solicited.

2) Unsolicited Testimonials are those sent to a company without the company contacting the policyowner, group policyholder or beneficiary.