



## State of Utah

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*Insurance Commissioner*

# Insurance Department

## Bulletin 2010-10

**To:** All Title Insurers, Agencies & Producers  
**From:** Neal T. Gooch, Utah Insurance Commissioner  
**Date:** December 14, 2010  
**Subject:** Title Industry Self Promotional Novelty Items

Utah Administrative Code Rule R592-6-5(5) states, "A title agency or insurer may distribute self-promotional items having a value of \$5 or less to clients, consumers and members of the general public."

The plain language of the rule indicates that a "self-promotional" item, as opposed to a "promotional" item must, in and of itself, promote the agency. Therefore, any person examining the item should be able to determine who and/or what that item is promoting. Whether the item is pre-printed, imprinted, emblazoned, etched, or otherwise, it must permanently bear the name, etc. of the title insurer, agency or producer being promoted in order to be considered self-promotional. Both the plain language of the rule and common business practice indicate that the term "self-promotional items" would bear the name of the company permanently printed on the item in such a manner to make the title agency easily identifiable to any person seeing that item.

A self-promotional novelty item is a marketing tool distributed in the regular course of business. The item is relatively insignificant to the recipient, but is a powerful marketing technique for the title agency. The main purpose this token item fulfills is name recognition for the title agency. Therefore, every time someone uses your scratch pad, pen or coffee mug, they see your name emblazoned on the product. Since a business card or sticker can be removed, this defeats the purpose of the self-promotional item and is not permitted by the marketing rule. The Department has received items such as a toy truck, a rubber chicken, fireworks, foam bath, hand sanitizer, plants and nasal spray, which are considered by some to be self-promotional items. Each of these items was distributed with a business card or sticker attached. There are those in the title industry who consider these items to fall within the intent of the rule, when in fact they do not, simply because the name of the title agency can be removed.

Often, the question is posed, "How am I supposed to find a gift for my client for under five dollars?" Under the rule, a self-promotional novelty item is not a gift, a prize or a means of compensating clients for their business. It is our opinion that self-promotional items should be incidental to your marketing efforts and not the primary means of securing business. See R592-6-5(8) also R592-6-4(17).

The Department's website has a page specifically related to the title industry which contains information relating to issues that arise, such as the marketing issue. See Title and Escrow Commission on the home page at <http://insurance.utah.gov/title/index.html>

**DATED** this 14th day of December 2010.

Neal T. Gooch  
Utah Insurance Commissioner