§ 133. Use of banking institution name. 1. No person shall use the name of a banking institution when advertising, marketing or soliciting business which is likely to induce, directly or indirectly, the purchase of goods or services, if the reference to such institution is:

(a) without the consent of the banking institution; and

(b) which would cause a reasonable person to conclude that the advertising or marketing material or solicitation either originated from, or is endorsed by or is any other way the responsibility of a banking institution.

2. Nothing in this section shall prohibit the use of or reference to the name of a banking institution in advertising or marketing materials or solicitations, if the use or reference to such institution does not deceive or confuse a reasonable person regarding whether the advertising or marketing material or solicitation (a) originated from, (b) is endorsed by or (c) is in any other way the responsibility of a banking institution.

3. The department is authorized to enforce the provisions of this section.

4. For purposes of this section, "banking institution" shall mean any state or federally chartered bank, trust company, savings bank, savings and loan association or credit union which has an office or branch in this state, or a private banker, safe deposit company or investment company.