§ 1313. Contents of advertisements and other public announcements concerning financial condition of insurers. (a) (1) Except as provided in subsection (g) hereof or permitted by regulation, every advertisement or other public announcement published, issued or distributed in this state by any domestic or foreign insurer, a subsidiary thereof, a holding company or controlled person as defined by section one thousand five hundred one of this chapter, or by any agent of any of the foregoing, purporting to make known the insurer's separate financial condition, shall show the amount of its admitted assets, liabilities and reserves required or permitted by law, and its surplus to policyholders, and shall correspond with its last verified statement (annual or quarterly, at its option) made to the superintendent. Such surplus to policyholders shall show the amount of the insurer's paid up capital stock, if any.

(2) The provisions of paragraph one hereof shall not apply to an advertisement or other public announcement showing only the insurer's capital paid up, or its surplus and capital, if any, separately or combined, but such items shall not be in excess of the corresponding items shown on the insurer's last verified statement (annual or quarterly, at its option) made to the superintendent.

(b) (1) Every advertisement or other public announcement, published, issued or distributed in this state by any alien insurer doing business in this state, a subsidiary thereof, a holding company or controlled person as defined by section one thousand five hundred one of this chapter, or by any agent of any of the foregoing, purporting to make known the separate financial condition of the insurer, shall show as assets only its admitted assets held by its United States branch, its liabilities and reserves required by law, and its surplus to policyholders in the United States, and shall correspond with the insurer's last verified statement (annual or quarterly, at its option) made to the superintendent. Such surplus to policyholders shall show the amount of the statutory deposit of such United States branch.

(2) Notwithstanding the provisions of paragraph one hereof, any authorized life insurance company or fraternal benefit society organized under the laws of Canada or any province thereof may use in its advertising in this state a statement of its complete financial condition, in addition to its statement of admitted assets and

liabilities in the United States, if a similar domestic insurer is permitted by the laws of Canada or the provinces thereof in which it does an insurance business to advertise therein its complete financial condition on a corresponding basis.

(c) No statement of separate financial condition shall be published, issued or distributed as provided in subsection (a) or (b) hereof unless it or a footnote clearly shows the amount of securities, included in admitted assets, which are pledged as collateral for any loan or guaranty, or which are otherwise not available to pay losses and claims or are not held to protect the insurer's policyholders or creditors.

(d) No insurer doing business in this state nor any subsidiary thereof, or holding company or controlled person as defined in section one thousand five hundred one of this chapter nor any agent of any of the foregoing, shall in any advertisement or other public announcement make any statement or communication to the effect that the insurer has, or expects to have, reinsurance by any named assuming insurer not authorized to do such reinsurance business in this state, or to the effect that the insurer's policies are guaranteed wholly or partly by any other person, insurer or institution.

(e) Nothing in this section shall apply to reports issued to shareholders or government agencies or instrumentalities by a holding company or controlled person as defined in section one thousand five hundred one of this chapter or prohibit any supplemental reference concerning an insurer's separate financial condition on the basis of actual market values of its securities or the inclusion of supplemental factual information with respect to the separate financial condition of such insurer in a report issued by such insurer to its shareholders or policyholders.

(f) Advertisements and other public announcements directed primarily at calling the attention of policyholders or prospective policyholders to an insurer and containing a statement of the separate financial condition of the holding company system shall also contain a statement of the separate financial condition of the insurer which shall comply with this section.

(g) Consolidated financial statements of an authorized insurer and any of its subsidiaries may be used only to the extent authorized by the superintendent or required by any government agency or instrumentality.