**20:06:10:10.  Use of statistics.** Statistics shall be used as follows:

 (1)  An advertisement or solicitation relating to the dollar amounts of claims paid, the number of persons insured, or similar statistical information relating to any insurer or policy may not use irrelevant facts, and may not be used unless it accurately reflects all of the relevant facts. Such an advertisement or solicitation may not imply that such statistics are derived from the policy advertised unless such is the fact, and when applicable to other policies or plans shall specifically so state;

 (2)  An advertisement or solicitation may not represent or imply that claim settlements by the insurer are "liberal" or "generous", or use words of similar import, or that claim settlements are or will be beyond the actual terms of the contract. An unusual amount paid for a unique claim for the policy advertised is misleading and may not be used;

 (3)  The source of any statistics used in an advertisement or solicitation shall be identified in such advertisement or solicitation.

 **Source:** 4 SDR 6, effective August 9, 1977; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 27 SDR 54, effective December 4, 2000; 38 SDR 116, effective January 10, 2012.

 **General Authority:** SDCL 58-33A-7.

 **Law Implemented:** SDCL 58-33-5, 58-33-6, 58-33-7, 58-33A-8, 58-33A-10.