

RESCINDED

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Unfair or Deceptive Acts or Practices and Unfair, Deceptive, or Abusive Acts or Practices: New Comptroller's Handbook Booklet and Rescissions

Replaced: See OCC 2024-33

To

Chief Executive Officers of All National Banks, Federal Savings Associations, and Federal Branches and Agencies; Department and Division Heads; All Examining Personnel; and Other Interested Parties

Summary

The Office of the Comptroller of the Currency (OCC) issued today the new "Unfair or Deceptive Acts or Practices and Unfair, Deceptive, or Abusive Acts or Practices" booklet of the *Comptroller's Handbook*. This booklet is part of the Consumer Compliance series of the *Comptroller's Handbook*. The booklet contains information

for examiners regarding supervision of a bank's¹ practices related to section 5 of the Federal Trade Commission (FTC) Act, which prohibits banks from engaging in unfair or deceptive acts or practices (UDAP), and sections 1031 and 1036 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which prohibit unfair, deceptive, or abusive acts or practices (UDAAP).

Rescissions

This bulletin rescinds

- *Office of Thrift Supervision Examination Handbook*, section 1354, "Unfair or Deceptive Acts or Practices, Federal Trade Commission Act, Section 5."
- *Office of Thrift Supervision Examination Handbook*, section 1355, "Unfair or Deceptive Acts or Practices – Credit Practices Rule."

Note for Community Banks

This booklet applies to the examination of community banks.

Highlights

This booklet

- reflects the OCC's risk-based supervision approach and is consistent with the OCC's existing principles for assessing banks' compliance management systems as they relate to UDAP and UDAAP.
- is consistent with OCC Advisory Letter 2002-3, "Guidance on Unfair or Deceptive Acts or Practices."
- includes examination procedures for examiners to assess the effectiveness of a bank's compliance management systems in managing UDAP and UDAAP risks.

- provides UDAP and UDAAP red flags and risk indicators that can be used to help identify acts or practices that may raise UDAP or UDAAP concerns.
- reinforces the OCC's continued commitment to banks' compliance with section 5 of the Federal Trade Commission Act and sections 1031 and 1036 of the Dodd–Frank Wall Street Reform and Consumer Protection Act.

Further Information

Please contact Paul R. Reymann, Director for Consumer Compliance Policy, at (202) 649-5470.

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Related Link

- ["Unfair or Deceptive Acts or Practices and Unfair, Deceptive, or Abusive Acts or Practices"](#)

¹ "Banks" refers collectively to national banks, federal savings associations, and federal branches and agencies of foreign banking organizations.

Topic(s): [COMPLIANCE](#) [CONSUMER PROTECTION](#)

- [SECTION 5\(A\) OF THE FTC ACT \(REG AA\)](#)
- [UNFAIR DECEPTIVE OR ABUSIVE ACTS OR PRACTICES UDAAP REG10AA](#)
- [UNFAIR OR DECEPTIVE PRACTICES](#)