Report on a Case by the Board of Ethical Review

Case No 60-1

Subject:
Advertising-Press Releases

Facts:
Consulting engineering firms issue, or cause to be issued by their retained public relations firms, press releases announcing retention of the firm for a particular project. The press releases generally state the nature and scope of the project, the purpose and benefit of the project to the client or the public, and in many instances some factual data about the background and qualification of the firm. Two typical examples are shown as Exhibits A and B.

Question:
Does the issuance of press releases by or for the consulting firm constitute advertising of a self-laudatory nature, proscribed by Section 2 of the Canons of Ethics?

References:
Canons of Ethics, Section 2-"He will not advertise his work or merit in a self-laudatory manner and he will avoid all conduct or practice likely to discredit or do injury to the dignity and honor of his profession."

Rules of Professional Conduct, Rule 5-"Circumspect advertising may be properly employed by the engineer to announce his practice and availability. The form and manner of such advertising shall satisfy in all respects the dictate and intent of the Canons. Only those media shall be used as are necessary to reach directly an interested and potential client or employer, and such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another engineer, either specifically or by implication."

Discussion:
Whether issued by the firm itself, or on its behalf by a public relations firm, the press release is advertising in the sense that its purpose is to make known to other persons the engagement of the firm, with the resulting inference that the dissemination of such knowledge may generate additional engagements.

As indicated in Case 59-1, advertising by an engineering firm is not prohibited, nor is the solicitation of professional engagements in a dignified and proper manner. It is necessary to review in detail each release to determine its acceptability under the existing Canons and Rules.

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Exhibit A is approved as an example of an acceptable press release. The last paragraph was considered at length. The Board agrees that, assuming that all the" statements are facts, this is not self-laudatory and does not compromise the dignity of the profession. However, it does represent the limit beyond which a more laudatory statement would not be acceptable.

Exhibit B is a typical example of an unsatisfactory and unacceptable release. Even assuming that, the statements made are facts, the choice of language and the methods of expression make the release self-laudatory and undignified. For example, such expressions as, "we are investing 34 years of experience . . ." "massive programs . . ." and "spur development of quality building . . ." are flowery, promotional and undignified, and judged to be self-laudatory.

In addition to the above, the general tenor of the release is highly self-laudatory and implies that the firm can render a professional service not available from others. We would add, as a general cautionary note, that consulting firms should insist upon review and clearance of the content of all press releases of the type discussed in this opinion. Such vigilance should preclude exaggerated, untrue, or misleading claims or statements which otherwise might result from the zeal of the public relations firm to serve the interests of its client.

Conclusion:
Exhibit A is a typical example of an acceptable press release.

Exhibit B is unsatisfactory and violates both Section 2 of the Canons and Rule 5.

"Press releases issued by a practicing engineer or with his consent are ethically proper and in accord with the Canons of Ethics and Rules of Professional Conduct, provided such releases meet all the criteria set out in the Canons of Ethics and Rules of Professional Conduct. They must be limited to statements of fact, must not contain self-laudatory statements, and must not be worded so as to cast reflections on the qualifications of any other engineer."

Engineering Valuation of H&M Authorized
Exhibit A: On petition by Herman T. Stichman, trustee, Federal Judge Archie O. Dawson authorized on December 29 the retention of the New York engineering and management consultant firm of Doe and Roe, for a study of the present-day value of the railroad properties and business of the bankrupt Hudson & Manhattan Railroad Company.

The H&M operates the Hudson Rapid Tubes commuter line between Hoboken and Jersey City, N. J., and New York; jointly with the Pennsylvania Railroad it operates a similar service between Newark and Hudson Terminal, New York.

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The petition requires the consultant to arrive at the present value of the H&M Railroad, giving effect to the possibilities of interstate transit development, such as discontinuance of all Hudson River ferries, provision for a connection with the Jersey Central, other New Jersey railroads and the New York City transit system and its becoming part of a public enterprise.

Doe and Roe, located at _____, is a 65-year old firm. It has long been active in the fields of mass transportation and property valuations.

Architectural Firm Sets Up Govt. Dept., D. C. Office

Exhibit B: John Doe Associates, architects-engineers, has set up a Government department to be headquartered in the firm's own two-story building here. At the same time, a new office to service this department has been opened in Washington, D. C. Richard Roe, associate of the firm, was named supervisor of the operation. "We are investing 3-1 years of experience," Mr. Roe said, "in a massive program to spur development of quality building for budget-conscious government agencies." John Doe Associates also has offices in New York City; Trenton, New Jersey, and Miami, Florida. The firm is a complete architect-engineer organization with a stair of over 100, geared to handle large projects efficiently on tight time schedules. This is an extremely important aspect of government construction work, particularly for military work. Facilities available to the staff are designed for the most efficient flow of. architectural production. Since its organization, John Doe Associates, according to Mr. Roe, has' planned, designed and supervised the construction of over 400 different projects including industrial and public buildings, schools, churches, hospitals, housing, recreational facilities and urban redevelopment. Many of these projects were accomplished on minimum budgets and tight time schedules. A unique feature of the organization is the Materials and Methods Research Committee whose function is the investigation of new materials and methods of construction for possible inclusion in different projects. The Committee is geared to function as a clearing house through which all research is channeled. It also helps to eliminate duplication of effort, resulting in savings to contractors, builders and property owners.

BOARD OF ETHICAL REVIEW L. R. Durkee, P. E. Phil T. Elliott, P. E. Pierce G. Ellis, P. E. Wylie W. Gillespie, P. E. Marvin C. Nichols, P. E. Ezra K. Nicholson, P. E. Murray A. Wilson, P. E., Chairman

Note: Member Gillespie did not participate in the consideration or decision of this case.

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