Report on a Case by the Board of Ethical Review

Case No. 62-8

Advertising—Billboard

Facts:
A company engaged primarily in the sale of equipment for stores erected a billboard, showing in large lettering the name of the company, a list of the products it sells and the words, "store engineers." The company personnel includes several professional engineers.

Questions:
1. Is billboard advertising for engineering services ethical?

2. Is this use of the words, "store' engineers," ethically permissible?

References:
Canons of Ethics-Canon 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."

Rule 61-"Any firm offering engineering services must, in conformance with the laws of the state in which it operates, have its operations under the direction and responsibility of registered professional engineers."

Discussion:
The words "store engineers" on the billboard are a clear offer of engineering services to the public and we therefore consider this case on the assumption that the company is operating legally under the provisions of the state engineering registration law. The reported facts do not indicate if the professional engineers in the company are officers or hold policymaking positions. If they are in either category they can be held answerable for compliance with the Canons and Rules as individuals, even though the Canons and Rules do not apply to companies (See BER Case 60-4).

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Advertising of engineering services, while permitted by Canon 2 and Rule 5, is restricted to that which is not "self-laudatory" and which will not "discredit or do injury to the dignity and honor of [the engineering] profession." Also, the advertising must be "circumspect" and is restricted to "those media ... as are necessary to reach directly an interested and potential client or employer." The media used must also be "dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the profession or to the professional using them."

We have previously enunciated some guiding principles and examples applying these mandates (See BER Cases 59-1, 60-1, 61-3). In Case 61-3 we concluded that the Canons and Rules do not prohibit or restrict advertisement of engineering services as to size, format or style, provided such advertisement is dignified, circumspect and in good taste, and is not self-laudatory. That conclusion was based on advertisements in magazines.

If size, format or style were the only factors in the instant case we could base our conclusion on the earlier opinion. However, we are confronted now with the additional question of the type of media employed: i.e., billboard. While billboard advertising has its place in the commercial world it is most inappropriate for the offering of professional engineering services. This is the commercialization of professional engineering services run riot and by its nature it cannot be considered dignified, circumspect or in good taste. It is a medium which is not directed at any particular group or class of potential or interested clients; rather it is a general offer to the whole public and thereby places engineering services on the same plane as products which are normally offered to the public via billboards.

We also think that it is objectionable to employ the words, "store engineers." There is no such recognized classification of engineering either in registration lists or in accredited engineering curricula. Again, this phrase associates engineering with commercial-type enterprise and implies that those who sell products to stores are "engineers." This may or may not be the case, but if it is, engineers in that line of business should divorce their engineering services from their commercial sales activities. In Case 60-3 we said: Although the Canons do not apply to subprofessional and nonprofessional (business or commercial) activities, it becomes incumbent upon the engineer involved to be scrupulously careful to make clear to his clients and the public the distinction between the two categories of work. It is desirable where the subprofessional work is a large part of the firm's activities, to operate through a separate form of organization, with a distinct name. Where this is not practicable, and in the case of an operation in both categories by the same firm, the engineer should adopt other means to segregate the types of work, including references in the contract or in correspondence."

An engineer or company offering commercial products for sale should completely disassociate from that activity any offer of engineering services even if connected with the products. In the present case, the company's engineers should insist that only the sale of products be advertised on the billboard or through other media and that the offer

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of associated engineering services be made through the normal and accepted methods of offering engineering services and not connected with the sale of products.

Conclusion:
Q 1. Billboard advertising for engineering services is unethical.

Q 2. This use of the words "store engineers" in the same advertisement offering to sell store equipment is a violation of the Canons of Ethics and Rules of Professional Conduct.

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