Report on a Case by the Board of Ethical Review

Case No. 63-7

Subject: Advertising-Full Page in Newspaper
Canon 2-Canons of Ethics; Rule 5-Rules of Professional Conduct.

Facts:
A daily newspaper published a special section in one of its editions covering industrial and commercial progress in the community. The special section was a mixture of news or feature stories and advertisements by manufacturing and commercial firms. Several of the advertisements were full page (15i/2 x 22i/2 inches). One of the full-page advertisements was inserted by an engineering firm, using display type and art drawings of both a symbolic nature and an actual project. The text of the advertisement was headed by the theme of the special section, "Partners in Progress," and the other text contained reference to the type of engineering service provided by the firm. In addition, the advertisement used the phrases, "Since 1939 with the best interest of (reference to residents of state) in mind," and "GO FIRST CLASS . . .! GO DOE & ROE."

Questions:
Q. 1. Is a full-page advertisement in a daily newspaper by an engineering firm a violation of the Canons of Ethics?

Q. 2. Is the text of the advertisement a violation of the Canons of Ethics?

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."

Discussion:
In Case 59-1 we discussed several examples of textual material in advertisements and noted wording which was felt to be objectionable as "self-laudatory," or not "circumspect." The general meaning of the quoted words was stated in that opinion. The

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wording of the advertisement in question is clearly objectionable with reference to the phrase, "GO FIRST CLASS . . .! GO DOE & ROE." Such language is obnoxious and will certainly "discredit or do injury to the dignity and honor of (the) profession."

In Case 61-3 we dealt with the size, format or style of advertisements, and concluded that neither the Canons nor Rules presently prohibit or restrict these elements directly, provided the advertisements are otherwise dignified, circumspect, in good taste and not self-laudatory. Thus, we cannot condemn this advertisement on size, format or style, but taken as a whole it does not meet the test required by Canon 2.

The full-page advertisement in the context of a special section containing commercial and business advertising of a general nature is also in violation of Canon 2 for the reasons given in a related situation in Case 62-15 in which we found that a listing by an engineering firm along with business and commercial advertisements was in violation of Canon 2 "because of its association with a conglomeration of unrelated business enterprises, thereby leaving the public with the impression that the practice of engineering is merely another in a series of business or commercial enterprises." And we also noted that Rule 5 limits the form and manner of advertising to "only those media . . . necessary to reach directly an interested and potential client or employer." This language we interpreted to mean media "which are of a specialized nature and may be calculated to reach primarily readers who reasonably can be expected to have an interest in the type of engineering services which are being offered, as distinguished from an advertisement in a newspaper or magazine of general circulation."

On all these counts, we believe that the advertisement under consideration is an extreme abuse of good taste and professional judgment and reflects adversely upon the honor and dignity of the engineering profession.

Conclusions:

Q. 1. A full-page advertisement inserted by an engineering firm in a daily newspaper is a violation of the Canons of Ethics under the circumstances described.

Q. 2. The text of the advertisement is a violation of the Canons of Ethics because the quoted portions are repugnant and discredit the entire advertisement.

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