Report on a Case by the Board of Ethical Review

Case No. 63-8

Subject: Brochures-Format and Content
Canon 2-Canons of Ethics; Rule 50-Rules of Professional Conduct.

Facts:
An engineering firm with offices in the United States and foreign countries issued a brochure, entitled, "Professional Record," consisting of seven sections-organization, range of services offered, accomplishments, professional record of key personnel, references, photographs and testimonials. The brochure is an 8 1/2 by 11 inch size, with a printed plastic cover and back and bound with a plastic ring. The brochure contains approximately 115 pages of text or photographic material.

The section on organization describes the history of the firm and its composition, including such statements as "The firm's personnel has been assembled with painstaking care . . . (who are) qualified, experienced and trained in. . . ." "Its principals, over a period of twenty years, have developed a reputation for sound experience, integrity, and achievement." "This force is highly competent and experienced. ..."

The section on range of services offered lists projects "that can be handled" by the firm and types of projects that have been handled by the firm. This section contains the statement, "We are proud of the commendations received for our E & I services shown in Section VII of this brochure." The section July 1964 on accomplishments is a description of typical projects of the firm. The section on key personnel describes the education, registration status, society memberships and experience of the officers, project managers and principal engineers and architects. The section on references lists agencies and addresses for which the firm has performed work, and bank and auditing references. The photographs of projects contain no text except a brief description of the portion of the project shown and its location. The section on testimonials consists of letters from clients, mostly governmental, reciting the excellence of the work performed by the firm in connection with a particular project, and one certificate of appreciation from a Federal agency.

Question:
Does the brochure violate the Canons of Ethics governing advertising of engineering services?

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."

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Rules of Professional Conduct Rule 50-(first paragraph) -"It shall be considered ethical for ah engineer to solicit an engineering assignment, either verbally or written. Such solicitation may be in the form of a letter or a brochure setting forth factual information concerning the engineer's qualifications by training and experience and references to past accomplishments and clients."

Discussion:
As noted in Case 62-2, Rule 50 specifically authorizes the use of brochures for solicitation of engineering assignments. The question for decision is whether the brochure under consideration meets the qualifications of Rule 50 and the limitations of Canon 2 in not being self-laudatory or likely to discredit or do injury to the dignity and honor of the profession. The specific control in Rule 50 is that the brochure shall contain "factual" information, and conversely, it follows, that the brochure shall not contain material which is other than factual.

Two sections of the brochure do not meet these tests. The language quoted from the section on organization is self-serving and an expression of opinion, not of fact. The firm may truly believe that its staff has been assembled with "painstaking" care, and there may be no challenge that its principals "have developed a reputation for sound experience, integrity and achievement." Likewise, it may be generally accepted by the profession and by clients that the staff is "highly competent and experienced." Whether or not others would agree with these opinions does not make them facts, and therefore is of no consequence as we interpret Rule 50.

The series of letters of commendation for the work of the firm are factual to the extent that they were actually written as published, but we believe they should not be included in a brochure because they are self-laudatory in the sense of their use for the aggrandizement of the firm. A reader of the brochure can logically be expected to assume that only favorable letters were included. No doubt the firm is "proud" of its accomplishments as evidenced by the letters, but we question whether such a statement is appropriate. The reference in Rule 50 to "past accomplishments" is construed to mean that a firm may list and illustrate its previous projects, as has been done in the brochure, but we do not carry this language to a justification of the use of laudatory statements on such projects, whether in the form of statements by the firm or the use of statements by others.

Conclusions:
The brochure as presently constituted violates the Canons of Ethics. We are constrained to add that most of the brochure is ethically acceptable and can be used properly in its present basic for mat after elimination of the objectionable material.

BOARD OF ETHICAL REVIEW: Phil T. Elliott, P.E. A. C. Kirkwood, P.E. W. S. Nelson, P.E. M. C. Nichols, P.E. E. K. Nicholson, P.E. N. O. Saulter, P.E. L. R. Durkee, P.E., Chairman

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