Report on a Case by the Board of Ethical Review

Case No. 64-8

Subject: Advertising of Engineering Services
Section 3 Code of Ethics; Section 3(a)-Code of Ethics.

Facts:
An engineering firm inserted in a magazine which circulates primarily to business subscribers a full-page advertisement, consisting of text and one simple illustration intended to depict savings in capital costs which are accomplished by retention of an engineering firm.

The text of the advertisement emphasizes through bold-face large type that there are two phases during the designing of a process or a manufacturing facility where professional consulting engineering, available from competent firms, can save substantial amounts of money-(1) when the project is conceived and is ready for planning and preliminary design, (2) when detailed plans and specifications for construction are started. The text concludes with a further statement on savings to the client: "Quality design and engineering on a professional basis, can save large amounts of capital funds for Clients.*" The asterisk is explained by a footnote in six-point type-"This applies whether (name of firm) does all the preliminary phase or reviews plans already developed by a company's own engineering staff." At the bottom of the full-page advertisement appears the name and address of the firm in large type, and a partial list of clients in somewhat smaller type.

The engineering firm has reprinted the advertisement in a format consisting of the cover of the issue of the magazine in which the advertisement appeared, the advertisement as originally published in the magazine, and the following statement on the facing page:

"At (name of firm) we supply the basic services described in our advertisement in a special way.

"*Our meticulous attention to detail* from start to finish of a project has resulted in direct capital savings to our clients.

"*Innovations in design* which we have developed have resulted in greater efficiency and production than was originally expected.

"We are prepared to discuss some typical projects with you and to explore how you, too, might use our professional and engineering services advantageously and profitably." (emphasis in original)

Question:
Is advertising, as described, in conformity with the Code of Ethics?

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References:
Code of Ethics-Section 3-"The Engineer will not advertise his work or merit in a self-laudatory manner, and will avoid all conduct or practice likely to discredit or unfavorably reflect upon the dignity or honor of the profession."

Section 3 (a)-"Circumspect advertising may be properly employed by the engineer to announce his practice and availability. 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:
We have previously discussed in some detail various aspects of advertising of engineering services under the Canons of Ethics and Rules of Professional Conduct which then governed those cases. Except for minor editorial revisions, Section 3 and Section 3 (a) of the Code of Ethics are identical to the former Canon 3 and Rule 5 of the Rules of Professional Conduct. We shall, therefore, not repeat the substance of those decisions, but list them for general reference and guidance: Case 62-2 (brochure), Case 61-3 (display), Case 59-1 (text), Case 63-7 (full page in newspaper), Case 62-1 (listing of name), Case 60-1 (press releases), and Case 63-3 (repeated use of card).

The pertinent Code provisions having not materially changed since our opinion in Case 61-3, we must adhere to our conclusion that the Code does "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."

We find no objection in the advertisement under consideration as to the emphasis on savings to clients. It is basic to the practice of engineering that a primary function is to perform a needed service at the lowest cost consistent with safety and the needs of the client. The advertising of this concept is, therefore, in accord with principles of the profession.

What we have already said in Case 61-3 disposes of the question of the size of type or format of the advertisement, as there is nothing in the advertisement in question to indicate that it is not dignified, circumspect, and in good taste. Likewise, there is no indication that the magazine in which the advertisement appeared was other than dignified and reputable and circulated primarily to potential clients. The text of the footnote, however, is objectionable because it is self-laudatory by implying superiority in all cases over the engineering capabilities of the staff of the prospective client. The language would be acceptable if it said that the firm could effect savings "in some cases," or even "in many cases."

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We find that the language of the additional quoted statement by the firm in the reprint of the advertisement is not in accord with the mandate of Section 3 and Section 3 (a). It is self-laudatory in tone and implies superiority by the use of "our meticulous attention to detail," and "innovations in design which we have developed. . . ." The first paragraph of the additional statement is also objectionable in that it states that the firm supplies services "in a special way." We think that this type of language is not only self-laudatory, but tends to reflect unfavorably upon the dignity and honor of the profession. Contrary to the requirement of Section 3 (a), such language is not "circumspect," and is not in accord with the further requirement that advertising "be limited to fact." The quoted statements are self-laudatory opinions, not facts.

Conclusion:
The advertisement in its original form and the reprint containing the added objectionable statements are unethical.

Board of Ethical Review: T. C. COOKE, P.E. L. R. DURKEE, P.E. A. C. KIRKWOOD, P.E. WALDEMAR S. NELSON, P.E. N. O. SAULTER, P.E. KURT F. WENDT, P.E. PHIL T. ELLIOTT, P.E., Chairman

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