Report on a Case by the Board of Ethical Review

Case No. 65-13

Subject: Use of Engineer's Name in Advertisement to Validate Findings
Section 3-Code of Ethics

Facts:
The ABC Realty Company is engaged in the development of a tract of land for housing purposes and for an industrial park. It retains Engineer Doe to make a comprehensive study of the water resources in the area. Engineer Doe submits a report to the client which states in detail, with supporting technical data, his findings and a conclusion that the water resources in the area to be developed will be adequate for the housing and industrial occupancy of the land as planned by the ABC Realty Company.

The ABC Realty Company undertakes an extensive advertising campaign to promote the sale of portions of the land and proposes to feature prominently in its advertising some of the findings and the conclusions of Engineer Doe with respect to water resources. He is requested to give his consent to the use of his name for this purpose. The proposed statements in the advertisement relative to his report are factual excerpts from his report and d not misrepresent or distort his findings or conclusions in any way.

Question:
Is it ethical for an engineer to permit the use of his name in a commercial advertisement of this type?

Reference:
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."

Discussion:
In Case 65-1, we concluded that it was unethical for engineers to allow the use of their names in commercial advertisements for certain products or commercial services, even though the wording of the advertisements was not objectionable, nor the statements of the engineers self-laudatory. Our reason for that conclusion was that "the reader of the advertisement can hardly escape the impression that the engineer is endorsing the particular product or service over those of competitors."

Although the same logic might be applied to the case of an engineer's report as related to the sale of land, we think that there is an essential difference between the two situations. In Case 65-1 we were concerned with examples of an engineer's name being associated with the sale of products or services in an atmosphere of statements attributed to the engineer relating to the worth and value of the product or service.

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In this case, however, the client has obtained a technical report for the purpose of determining whether its plans for the development are consistent with the physical requirements to make the plan a success. It is an apparent necessity for the client to inform its prospective purchasers of these engineering facts and what it proposes to do is to support its claims by showing that these engineering facts were the result of a study by an independent and qualified professional, rather than being a bare and unsupported claim of the seller.

We do not think that this type of use of an engineer's name runs afoul of the objections found in Case 65-1 because in this situation the impression is one of factual reporting of an engineering study and would not carry the same implication that the engineer is endorsing the commercial venture.

A further distinction is that in Case 65-1 we were also concerned with the possible impression that the engineers had accepted "considerations" for specifying a product of material or equipment suppliers; ". . . the publicity or advertising value to the engineer flowing from the advertisement is a form of 'consideration,' which may induce the engineer, even though subconsciously, to favor the particular product or service in other projects." That concern is not pertinent to this case.

The engineer should review and approve the material to be published if his report is not quoted in full.

Conclusion:
It is ethical for an engineer to permit the use of his name in an advertisement of the type described provided that the references to the engineer and his report contain only factual extracts which do not misrepresent the substance of his report.

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