Report on a Case by the Board of Ethical Review

Case No. 65-17

Subject: Promotion of Services Through Direct Mail Solicitation
Section 3(a)-Code of Ethics

Facts:
John Doe and Associates, a consulting engineering firm, mailed identical personally typed letters to a number of deans of engineering schools, stating that the firm was presently engaged in designing new educational facilities for another university, and calling attention to an enclosed reproduction of a picture of a building which had been designed by the firm for a different college. The letter continued: "May we be of equal service to you in developing your Physical Education Facilities? We are prepared to serve you for General Master Planning and Programming of an entire Complex, including both active and passive recreation."

Question:
Is it ethical to promote engineering service contracts through direct mail of the type indicated?

Reference:
Code of Ethics-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 and enunciated the basic principles which govern advertising of engineering services (Cases 62-8, 63-7, 62-15, 62-2, 61-3, 59-1, 60-1, 63-3, and 64-8). Our primary concern in this case, therefore, is whether the method of advertising employed is consistent with the Code.

In Case 62-2, it was held that it was not unethical for an engineer who specialized in the design of blast and fallout shelters to send his brochure to a large group of individuals and representatives of firms who had attended Government-sponsored meetings in connection with shelter design. The opinion stated that Section 3(a) of the Code (then Rule 5 of the Rules of Professional Conduct) limits distribution to "interested and potential clients," and in that case "those receiving the brochure had indicated their interest by attending the meeting. It may be reasonably concluded that they were, therefore, potential clients."

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One member of the Board dissented to that portion of the decision, holding that the broad distribution was unethical because "mere presence of a person at the meeting does not indicate an interest sufficient to warrant the conclusion that he was a potential client."

The case before us provides an opportunity to re-examine the principle involved in distribution of promotional or advertising material. The language of the Code refers to "interested and potential" clients. Under the present wording we cannot conclude that there must exist a showing of direct client-to-engineer interest as the only basis for the employment of advertising. Such a conclusion would rule out all published advertising in magazines and newspapers, a practice which has heretofore been held permissible under proper safeguards and limitations as indicated in Section 3(a).

In the case in question the letter was dignified and circumspect and was directed to a selected group of persons who might reasonably be considered interested and potential clients.

Conclusion:
It is ethical to promote engineering service contracts through direct mail, provided it is directed to interested and potential clients, and is dignified and circumspect.

Board of Ethical Review: T. C. COOKE, P.E. JAMES HALLETT, P.E. W. S. NELSON, P.E. N. O. SAULTER, P.E. K. F. WENDT, P.E. A. C. KIRKWOOD, P.E., Chairman

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