Report on a Case by the Board of Ethical Review

Case No. 72-1

Advertising - Bold Face in Telephone Directory

Facts:
Local telephone directories containing the usual engineering headings in the classified (yellow) section include listings in bold face type by some consulting firms. In some cases, the bold face listings are followed by brief statements of fields of engineering practice, sometimes set off in box form. In addition, some engineering firms list their names in bold face type in the regular (white) section of the telephone directory.

Questions:
1. Are bold face listings in the classified section of local telephone directories consistent with the Code of Ethics?

2. Are bold face listings in the regular section of local telephone directories consistent with the Code of Ethics?

3. Are professional card-type listings (set off by lines or blank space) in the classified section of local telephone directories consistent with the Code of Ethics?

Reference:
Code of Ethics-Section 3(a)-The Engineer shall not advertise his professional services but may utilize the following means of identification:

1. Professional cards and listings in recognized and dignified publications, provided they are consistent in size and are in a section of the publication regularly devoted to such professional cards and listings. The information displayed must be restricted to firm name, address, telephone number, appropriate symbol, names of principal participants, and the fields of practice in which the firm is qualified.

2. Signs on equipment, offices, and at the site of projects for which he renders services, limited to firm name, address, telephone number, and type of services, as appropriate.

3. Brochures, business cards, letterheads, and other factual representations of experience, facilities, personnel, and capacity to render service, providing the same are not misleading relative to the extent of participation in the projects cited, and provided the same are not indiscriminately distributed.

4. Listings in the classified section of telephone directories, limited to name, address, telephone number, and specialties in which the firm is qualified.

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Discussion:
Opinions in advertising cases decided prior to January, 1971 are not pertinent or helpful in resolving this case inasmuch as the Code of Ethics was revised in January, 1971 to bar advertising of engineering services with the exception of the items noted above.

We dispose of the third question first inasmuch as Section 3(a)(4) permits only the listing of specialties of engineering practice along with name, address, and telephone number of the individual or firm. It does not authorize professional cards in the telephone directory. Devices tending to call special attention to the listing, such as setting off with lines or unusual spaces or type sizes are inconsistent with Section 3(a)(4) of the code.

The code is not as clear, however, with regard to bold face listings. The primary thrust of Section 3(a) is to bar the advertising of engineering services and the exceptions to that basic purpose are noted, not as advertising, but as means of identification.

Advertising, as we noted in Case 62-1 5, is defined to mean "... a form of public notice . . ." which is ". . . intended to aid directly or indirectly in the sale of a commodity, in securing employment, etc." In relating to this definition, we may ask the purpose of the bold face listings in the classified section of the telephone directory and can only conclude that the intent is to call attention to those firms employing that attention-getting device. That purpose and result make the bold face listing advertising. Finding no exception to the advertising ban under the "means of identification" items in the code, we conclude that bold face listings are not consistent with the code.

However, use of bold face in the regular section of the telephone directory is primarily a means of identification and differentiates business and professional firms from individual and residential listings.

Conclusions*:
1. Bold face listings in the classified section of local telephone directories are not consistent with the Code of Ethics.

2. Bold face listings in the regular section of local telephone directories are consistent with the Code of Ethics.

3. Professional card-type listings in the classified section of local telephone directories are not consistent with the Code of Ethics.

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Board of Ethical Review: W. R. Gibbs, P.E.; Joseph H. Littlefield, P.E.; James D. Maloney. P.E.; Sherman Smith, P.E.; Robert E. Stiemke, P.E.; Albert L. Wolfe. P.E.; Frank H. Bridgers, P.E., chairman.

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