Report on a Case by the Board of Ethical Review

Case No. 73-1

Advertising Professional Cards

Facts:
Example 1-Several engineering firms carry paid professional cards in a daily newspaper which circulates primarily to the business community, setting forth name, address, telephone number, type of engineering services offered, and firm symbol. The cards are in a column of the newspaper without any special heading and are included with other cards of varying size for products and non professional services.

Example 2-Several engineers active in a local engineering club form the publications committee of a monthly magazine of the club. The magazine carries some professional directory cards of engineering firms under the heading, "Directory of Services." Other cards under the same heading, all of which are of uniform size, describe services for construction, sales, computer services, and supplies or equipment of various kinds. Another page in the same magazine carries professional directory cards of engineering firms under the heading, "Professional Directory," which also includes cards of uniform size for such services as photogrammetry, testing and balancing, turnkey installations, construction management, and inspection.

Question:
Is it consistent with the code for engineers to permit their professional cards to be published in conjunction with nonprofessional cards?

References:
Code of Ethics Section 3(a)(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, name of principal participants, and the fields of practice in which the firm is qualified."

Discussion:
Although we have framed only one general question, there are several aspects in the two examples.

Example 1-Section 3(a)(1) does not prohibit the use of a daily newspaper for professional cards within the stated limitations, although professional cards for engineering services are normally thought of for magazines circulating to the engineering profession or the business community. The newspaper in question in Example 1 is clearly within the requirement that the card be in a "recognized and dignified publication(s)." However, the facts also clearly indicate that the column in the newspaper is not "in a section of the

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publication regularly devoted to such professional cards and listings." The quoted language indicates that there should be a separate and identifiable part of the newspaper or magazine with some appropriate heading to alert the reader that the cards are for professional services. It is also clear from the facts that the cards in question do not comply with the requirement that they be "consistent in size," meaning a reasonably uniform size. Finally, in addition to what we have said above about the need for a separate and identifiable section or column with an appropriate heading, we read Section 3(a)(1) in totality to mean that professional cards cannot be intermingled with cards for nonprofessional services. The separate section must be limited exclusively to professional cards. If no such section exists in the publication, then it is the obligation of the engineer to see that this is accomplished if his card is to be included.

Example 2-What we have said above applies in pertinent part to the facts of Example 2 regarding a mixture of cards for both professional and nonprofessional services. In this instance cards for engineering services should not appear in the general "Directory of Services," and cards for nonprofessional services should not appear in the "Professional Directory" page.

Additionally, there is a gray area with regard to cards for services in the professional directory which are related to and may, in fact, be considered to be engineering services, such as those for photogrammetry and construction management. It is not possible to establish a hard and fast line of demarcation as between engineering and nonengineering services of this type. However, for general guidance we call attention to the definition of engineering services as stated in NSPE Professional Policy No. 10-G:

"For the purpose of this policy 'Engineering Services' includes professional services associated with the study, design, and construction of real property improvements (public and private) including prefeasibility and feasibility studies, comprehensive and general planning, preliminary studies, preparation of drawings, plans, designs, specifications, cost estimates, other studies, and preparation of manuals and reports, consultations, performance of surveys, inspection and development related to the preceding categories."

We would suggest to the engineers on the publications committee that this definition may be employed to determine the appropriateness of cards for the professional directory section and that in case of reasonable doubt whether a particular service is within the definition to place those cards in the general directory of services. An additional factor which may be found helpful in this respect is to determine whether the firms involved are essentially operated and governed by professional engineers or by persons in other fields of endeavor. However, it should be further noted that even if a firm is operated and governed essentially by professional engineers the card for clearly nonprofessional services, such as construction, should not be in the professional directory.

Conclusion*:

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It is not consistent with the code for engineers to permit their professional cards to be published in conjunction with nonprofessional cards.

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