Report on a Case by the Board of Ethical Review

Case No. 74-5

Exhibit at Association Meetings

Facts:
Consulting engineers are often asked to participate in exhibits at various trade association meetings or at conventions of associations of officials of public bodies. Three such recent examples on which an expression of ethical guidance has been requested are:

1. An annual conference of a national technical engineering society offers consulting engineers booth space for an exhibit for a three-day period for $150. The space may be used by the consulting firm to display promotional materials such as reprints of articles, reports on previous assignments, slides or similar presentations. The literature states that the sponsoring society expects to have 50 exhibitors, and 1,200-1,500 conference attendees from industries of all types.

2. A public works and equipment show included an exhibit of a consulting engineering firm, consisting mainly of he distribution of two pamphlets of the firm dealing with an outline of a sewer system analysis to conform to the Federal Water Pollution Control Act Amendments of 1972 and a descriptive statement of engineering support services for other municipal and consulting engineers in relation to the prevention, detection and reduction of extraneous water flows in sewers.

3. A state mental health association invited consulting firms interested in providing professional services for hospitals, clinics, and other medically related facilities to subscribe to exhibit space for the display of the firms' qualifications and distribution of literature to convention attendees.

Question:
Is it ethical for consulting engineers to participate in exhibits and displays of he type indicated above for promotional purposes?

References:
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, ad- dress, telephone number, appropriate symbol, names of principal participants, and the fields of practice in which the firm is qualified.

Copyright © 1974 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).

"(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."

Discussion:
We have taken this case to clarify the ethical aspects of what appears to be a growing trend of various associations inviting consulting engineers to promote their services through exhibits and displays at conventions and conferences. A similar question was posed and resolved in Case 61-7, at a time when the applicable ethical standard was the Canons of Ethics and Rules of Professional Conduct, now superseded by the NSPE Code of Ethics. In 1961 the ethical standard with regard to advertising was substantially different than the standard now contained in Section 3(a) of he NSPE code. Accordingly, we now approach the question afresh.

We held in the 1961 case that "the purpose of the exhibit is, in effect, an advertisement and must accordingly be governed by the canons and rules applicable to professional advertising." It was then concluded that the exhibit in question (at a convention of members of local school boards) was not a violation of the canons or rules under the then prevailing standard that advertising of engineering services was permissible if it was not "self-laudatory," and was "circumspect," and would not "do injury to the dignity and honor of his profession." The then-rule further stipulated that the advertising media to be used should be restricted "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."

Under the 1961 criteria it was concluded that an engineer could ethically have an exhibit at the convention of school officials on the assumption that the exhibit was in accord with the above-stated standards. One member of the board dissented in that holding, contending that it is doubtful that the exhibit could be maintained on a "circumspect" basis and thus would tend to discredit the dignity of the profession, and "since other effective media and contracts are available, it seems inappropriate to either condone or encourage the use of exhibit booths."

We have set out the rationale of the 1961 decision in some detail as back ground to again point out that the ethical standards for advertising under the canons and rules were subsequently found to be unworkable in practice, leading to a basic change in concept under the cur rent NSPE code which now prohibits advertising of engineering services. We perceive no reason to change the stand taken in 1961 that exhibits of the type de scribed herein are advertisements in tended to promote the interests of the displaying engineers or their firms. As such they are not permitted by section 3(a) of the code and

Copyright © 1974 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).

do not fall within the exceptions permitting stipulated "means of identification," even though the material distributed may be in conformance with Section 3(a)(3). In reaching this conclusion we are mindful that the basic question of advertising of engineering services continues to be one of substantial difference of opinion between and among engineers and various engineering societies. Whether or not the continuing discussion and debate of the advertising question may result in an eventual change in the code is beyond our power of projection. We are bound to interpret the code as it stands and consequently hold that exhibits and displays of engineering services of the type described are proscribed by Section 3(a) of the code.

Conclusion:*
It is not ethical for consulting engineers to participate in any exhibits and displays of the type indicated above for promotional purposes.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case. Board of Ethical Review Case Reports The Board of Ethical Review was established to provide service to the member- ship of the NSPE by rendering impartial opinions pertaining to the interpretation of the NSPE Code of Ethics.

Board of Ethical Review: William J. Deevy, P.E.; Joseph N. Littlefield, P.E.; James D. Maloney, P.E.; Louis W. Sprandel, P.E.; Robert E. Stiemke, P.E.; William R. Gibbs, P.E., chairman

Copyright © 1974 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).