Report on a Case by the Board of Ethical Review

Case No. 74-7

Letterheads - Promotional Statements

Facts:
An engineer in private practice proposes to redesign his letterhead by incorporating a unique firm symbol of an artistic nature and a line of text under the firm name, address, and telephone number to read: "Environmental planning and design with emphasis on engineering innovation." The text statement, as quoted, will be in a type face consistent with the type for other parts of the letterhead and will be of lesser point size than the basic name and address.

Questions:
1. Is the inclusion of a firm symbol permitted by the Code of Ethics?

2. Is the inclusion of the quoted text statement permitted by the Code of Ethics?

References:
Code of Ethics-Section 3-"The engineer will avoid all conduct or practice likely to discredit or unfavorably reflect upon the dignity or honor of the profession."

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, name of principal participants and the fields of practice in which the firm is qualified.

"(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.

Section 3(b)-"The engineer may advertise for recruitment of personnel in appropriate publications or by special distribution. The information presented must be displayed in a dignified manner, restricted to firm name, address, telephone number, appropriate symbol, name of principal participants, the fields of practice in which the firm is qualified and factual descriptions of positions available, qualifications required, and benefits available."

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Discussion:

The code is silent as to the format, content, or style of letterheads used by engineers but simply recognizes the undisputed practice and necessity for those engaged in offering their services to others to have and use letterheads to identify their organizations as to name, location, and telephone number for convenience of reply and contact in the normal course of their activities. For the purposes of the question raised here, for the first time, we regard a letterhead as nothing more or less than an instrument of identification and communication and not as a device for promotion or other extraneous purposes. We recognize that an engineer may have an attractive letterhead, utilizing forms and style of type and layout which hopefully will be pleasing to the eye of those who may receive messages on such a letterhead.

We perceive of no substantial concern regarding the use of a firm symbol if such be desired. Even though §3(a)(3) does not refer to the use of a symbol for letterhead purposes, we think it appropriate to recognize its use on a letterhead in view of the permissible use of a firm symbol in a professional card as stipulated in §3(a). Likewise, §3(b), dealing with recruitment advertising, recognizes and permits the use of a firm symbol. In light of these references in related portions of the code, and in view of generally accepted practice in the profession, we offer no ethical objection to the use of a symbol on the letterhead. However, it may be noted that the use of a symbol, like all other parts of the letterhead, must comply with the general mandate of §3 and, therefore, not be of a size or nature which would be inconsistent with good taste.

The proposed text statement is of more concern from an ethical standpoint. The statement is not restricted to factual information and rings of self-laudation or promotion. We are not prepared to say, and do not say, that a firm may not include factual information as to its areas or fields of practice on a letterhead. The problem here is that the statement does not stop with such factual information as "environmental planning and design" as a simple and clear statement of the field of practice of the firm but goes on to add ".. . with emphasis on engineering innovation."

The latter part of the statement, thereby, becomes promotional and is presumably intended to convey the idea that the firm has special or unique capabilities in terms of engineering innovation. It could be implied that other firms in the field of environmental planning and design do not possess the same degree of talent for engineering innovation. By definition and by fact all engineering is based upon innovation and it ill behooves one firm to claim a special status or recognition of something held in common by the entire profession by inclusion of those kinds of promotionally oriented words on a letterhead. We feel that slogan-type statements are a form of advertising and therefore may not be used. It is recognized that the code does not impose per se the kind of restriction on letterheads that we have indicated, but we note that in the related ethical guideline for professional cards and listings promotional statements are not permitted (§3(a)(1)).

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In Case 72-1 we held that boldface listings in the classified section of local telephone directories are not consistent with the Code of Ethics, even though in that case, as here, it was recognized that the code was not specific to the point. But we said in that case, as we say now, that the primary thrust of §3(a) is to bar advertising of engineering services. While we do not treat a letterhead as advertising in the usual sense, we think the same principle applies to the inclusion of self-laudatory and promotional statements on a letterhead. We find further support for this conclusion in the language of §3(a)(3) regarding various means of presentation of information about the engineer or his firm, such as brochures and business cards, as well as letterheads, in which there is the general admonition that these must all be "factual" representations of experience, facilities, personnel, and capacity to provide service.

Conclusions:*

1. The inclusion of a firm symbol on a letterhead is ethically permitted.
2. The inclusion of the quoted text statement on a letterhead is not ethically permitted.

***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.

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