Report on a Case by the Board of Ethical Review

Case No. 75-16

Group Advertisement by Engineering Firms

Facts:
A statewide organization of consulting engineering firms publishes a paid statement in a magazine which circulates to business firms and public officials and other prospective clients of engineers, reading as follows:

"ONE CHANCE IS ALL YOU GET ! !

"Today's business is tough . . . yet one chance is all anyone ever gets anymore.

"In the field of Engineering, excellence must always be achieved the first time! You see, to design a bridge, building or sewer, it must be right the first time or the results can be disastrous.

"The members of the (name of organization) represent excellence. The legal registration, educational requirements and professional pride in their field all represent nothing more than one chance - but that is all that is needed.

"Support the local industry - and remember professionals are industry, too, and they support the local economy through jobs and superior product."

This text is followed by the heading "MEMBER FIRMS" and the names of the member firms and the cities in which located, and the seal and name of the organization.

Question:
Is the group paid statement permitted by the Code of Ethics?

References:
Code of Ethics – Section 3 – "The Engineer will avoid all con- duct 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:

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." Section 3(a)(3) "Brochures, business cards, letterheads and other factual representations of

Copyright © 1975 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).

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:
In the context of §3, we have mixed feelings about some of the phrases and concepts in the group statement. We would suggest, without basing our conclusion upon it, that the phrases to indicate that engineering services are equivalent to "industry" and are a "product," impart a sense that engineering is merely another commercial enterprise and not a profession, and as such are hardly in keeping with the concept of upholding the dignity of the profession. Also, we find objectionable under §3 the provincial references to have clients base selection on the idea of supporting "local industry." And likewise we find offensive the implication that only the named firms in the statement represent "excellence." Even though there are some professionally sound concepts stated in the statement, such as the emphasis on the need for engineering to be done correctly the first time, on balance the tone of the statement is commercial and not a model of dignity.

But our disposition of the case rests more easily on a determination whether the statement is permitted under §3(a)(l) as a listing. Assuming, as we do, that the statement is in a recognized and dignified publication, and noting, as we do, that the names of the firms are consistent in size, as required, and treating the statement as being the equivalent of a section of the publication regularly devoted to professional cards and listings, we still reach the result that the statement is not in accord with §3(a)(l). In the final analysis, the statement is not a "listing," and therefore not permitted on that basis.

Turning to our discussion in Case 73-5, we said a professional card contemplates a relatively small insertion with enough information to identify the engineer or firm and briefly indicate the respective fields of practice. When the named firms, however, are publicized in connection with and as part and parcel of promotional language such named firms cannot be considered as only publishing a professional card.

We now turn our attention to §3(a)(3) which permits ". . . factual representations of experience, facilities, personnel and capacity to render service. . ." We find no way in which we can interpret the language in question so as to fall within the embrace of what is permitted in §3(a)(3).

Also under §3(a)(l), the named firms cannot be considered as coming within the permissible "professional cards" category.

If the named firms in the stated format cannot be considered as a "listing," a professional card or a permissible factual representation, as we conclude under these facts, then the insertion is simply an advertisement.

Copyright © 1975 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).

The fact that the advertisement, including the names of member firms, was placed by an organization or group of engineers rather than by an individual engineer in no way influences or modifies any of the preceding discussion.

Conclusion:*
The group paid statement is not by the Code of Ethics.

***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: William J. Deevy, P.E., William R. Gibbs, P.E., Joseph N. Littlefield, P.E., Donald C. Peters, P.E., James F. Shivler, Jr., P.E., L. W. Sprandel, P.E., Robert E. Stiemke, P.E., Chairman

Copyright © 1975 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).