Report on a Case by the Board of Ethical Review

Case No. 75-2

Advertising - Announcement Cards

Facts:
John Jones, P.E., and Richard Roe, P.E., decide to open a consulting engineering firm to specialize in the practice of mechanical and electrical engineering, expecting to offer their services to other engineers, architects and direct clients. They propose to make the availability of their services known by the mailing of an announcement card to prospective clients in their general geographic area. They have requested advice whether such an announcement card is ethically permissible, and, if so, for guidance as to size, style, content, format, and distribution.

Question:
Question 1: Is an announcement card ethically permissible?

Question 2. What are the ethical guide lines for such announcement cards?

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, address, telephone number, appropriate symbol, name 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."

Discussion:
It will be first noted that none of the Code sections or subsections dealing with the advertising of engineering services makes specific reference to the use of announcement cards. The basic pro vision of §3(a) prohibits the advertising of professional services by

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).

engineers, but this flat statement is not literally true in view of the following subsections which permit certain forms of announcements to prospective clients, even though referred to as "means of identification."

Taking the view that the Code must be read in its entirety and as a whole, we hold to the concept that §3(a), in total, restrains only those forms of promotion of services which are of a degree and type which amount to a "commercial" approach to the offer of services, e.g., a display advertisement, a neon sign, a billboard, etc., as distinguished from those forms of announcement to identify the engineer or firm and indicate its areas of expertise and availability.

Thus the Code permits a variety of means for this purpose, short of "commercial" advertising. Even though announcement cards, as such, are not pinpointed as an acceptable method of making services known to prospective clients, we believe it is a reasonable interpretation that they may be used as being consistent with similar methods of announcement, such as brochures, professional cards and business cards, and particularly in view of the language in subsection (a)(3) allowing ". . . other factual representations. . ."

With regard to the request for guidance on the format, style, size, etc. of announcement cards, we do not believe that hard-and fast criteria are necessary or desirable. We note that the normal announcement cards as utilized in other professions generally are of a modest size (perhaps 6" x 4") and carry only basic factual in formation of name, address, names of principals, fields of practice and telephone number. For general guidance to those desiring some guideline, however, we show the following sample of an ethically acceptable announcement card.

Similar announcement cards may be used to announce change of location of a firm, an association or promotion of an engineer in the firm, etc. as a practical means of rapid communication.

With regard to distribution of announcement cards, we believe that the control stated in §3(a)(3) with regard to brochures is applicable; that they not be indiscriminately distributed. While there is not a definitive statement of "indiscriminate" in the Code itself, we believe that it means that the announcement should be sent only to those as may reasonably be expected to have some potential interest in utilizing the services of the firm, in contrast to a sweeping or wholesale distribution to those whose possible use of the firm is remote or unlikely.

(SAMPLE)
JONES & ROE ENGINEERING ASSOCIATES
123 Main Street
Anywhere, Columbia
John Jones, P.E., and Richard Roe, P.E.,
announce the opening of an office
for the general practice of mechanical and electrical engineering.
Phone (999) 123-4567

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).

Conclusion:*

1. An announcement card of the type indicated is ethically permissible.

2. The ethical guidelines for announcement cards are set forth in the discussion above.

***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.; Louis 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).