

Report on a Case by the Board of Ethical Review

Case No. 66-4

Subject: Advertising-Good Will

Section 3 -Code of Ethics; Section 3(a) - Code of Ethics.

Facts:

An engineering firm placed a three-quarter page advertisement in a daily newspaper of the city in which it maintains its principal office, as follows:

"Our Twentieth Anniversary
"Roe-Doe
"Engineers & Architects
"123 Main Street

"We wish to take this opportunity to thank the citizens of (city) and the entire State of-for their support during the 20 years our firm has been in business. Starting in John Roe's basement in 1945 with a one-man operation, we have grown to an over 80-employee operation with our own office building in (city), two branch offices (one in _____ and one in _____) and two associated firms in _____. Following are the key personnel and employees who render our consulting engineering and architectural services. We all appreciate the patronage of our many clients through the years."

Following the text are pictures of three office, 2-1/2 x 2 inches in size, and nine additional pictures, 1 x 1-1/2 inches in size. Under the pictures are the names and titles of the officers and other key personnel. At the bottom of the advertisement is a list of the names of the engineers, architects, surveyors, technicians, geologists, draftsmen, designers and office personnel of the firm.

Question:

Is a good will advertisement as described in conformity with the Code of Ethics?

References:

Code of Ethics-Section 3-"The Engineer will not advertise his work or merit in a self-laudatory manner, and will avoid all conduct or practice likely to discredit or unfavorably reflect upon the dignity or honor of the profession."

Section 3 (a) -"Circumspect advertising may be properly employed by the Engineer to announce his practice and availability. Only those media shall be used 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 circumstances that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer in tended to discredit or displace another engineer, either specifically or by implication."

Discussion:

Several previous decisions have dealt with various aspects of advertising (Cases 62-8, 63-7, 62-15, 62-2, 61-3, 59-1, 60-1, 63-3, 64-8) and there is no need to restate the basic principles of general application at this time. However, this case deals with a new aspect of the question in that the advertisement does not purport to offer engineering services, except possibly by implication.

Institutional advertising, sometimes called "good will" advertising is a recognized technique in the commercial world and undoubtedly has, or is considered to have, an economic benefit to the advertiser, even if of a long-range nature.

The fact that the advertisement in this case does not per se offer engineering services does not make it any less an advertisement. The only question is whether the advertisement is in accord with Section 3 and Section 3(a) of the Code.

Although the wording of the advertisement does not contain language which is specifically objectionable, we believe that its tenor and tone, taken in the context of a paid statement to the public, has the connotation of self-laudation and will or may leave the impression that the firm is "puffing" its merit. For this reason we conclude that the advertisement is not of a type which should be considered either "circumspect" or dignified.

We are also troubled by the restriction of Section 3(a) that the media to be employed for advertising "are necessary to reach directly an interested and potential client . . ." The advertisement before us is directed to the general public. Only in the most vague and general sense can the public be said to be "an interested and potential client." While it is difficult to draw a precise line between acceptable and nonacceptable media, we are constrained to follow the principle asserted in Case 62-15 that:

"This restriction limits advertising to those media which are of a specialized nature and may be calculated to reach primarily readers who reasonably can be expected to have an interest in the type of engineering services which are being offered, as distinguished from an advertisement in a newspaper or magazine of general circulation." (emphasis added)

Under these criteria we believe that the advertisement is not consistent with the mandates of the Code.

Conclusion:

A good will advertisement of the type described is not in conformity with the Code of Ethics.

Board of Ethical Review for these cases: T. C. COOKE, P.E., JAMES HALLETT, P.E., W. S. NELSON, P.E., N. O. SAULTER, P.E., K. F. WENDT, P.E., A. C. KIRK WOOD, P.E., Chairman.