

Report on a Case by the Board of Ethical Review

Case No. 65-1

Subject: Endorsement of Competitive Products or Service
Section 3-Code of Ethics; Section 10(a)-Code of Ethics.

Facts:

Two full-page advertisements of manufacturers and one of an association of companies which sell energy services contain the names of engineers in private practice, their pictures (in two examples) and pictures of the projects designed by the engineers (in two examples). The advertisements all deal generally with the virtues of the products or services advertised and associate the engineers' favorable experience with the products or services.

Example 1 quotes the named engineer as having used the particular type of energy source to the benefit of his clients. The advertisement is carried under the name of an association of companies which provide the particular type of energy source involved. It does not mention competitive energy sources.

Example 2 is an advertisement of a manufacturing company, featuring pictures of a consulting engineer (in four poses) and quotes the engineer in terms of the advantages to a client in retaining a consulting engineer for his engineering requirements. The statements of the engineer do not refer to the, products of the advertiser, but refer generally to the type of environment in which such products would be used. The statements of the manufacturer in the same advertisement recommend talking to a consulting engineer early in the planning stages of a project and emphasize that it will be to the client's advantage to utilize the specialized knowledge, experience, and independent judgment of a consulting engineer. It then states that the manufacturer has led in the design and development of the finest products related to the indicated equipment requirements for buildings.

Example 3 is an advertisement of a manufacturer stating that a named consulting engineering firm has used its products successfully in connection with a particular project to solve difficult engineering problems. The balance of the text states the various advantages and quality of the particular product. The advertisement contains four pictures illustrating use of the product.

Question:

Is it ethical for an engineer to authorize the use of his name in such commercial advertisements?

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 10(a)-"He will not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product."

Discussion:

For the purposes of this case we assume that the engineers had knowledge of and gave permission to the advertiser to use their names as indicated. Although we have treated with this question previously in terms of the ethical restrictions on advertising by engineers (Case 59-1), we believe that the cited examples raise more fundamental principles. The provisions of the Code dealing with advertising, while related as discussed in Case 59-1, are directed basically toward advertising by engineers. In the cited examples the advertising was not inserted by or presumably paid for directly or indirectly by the engineers. Therefore, it would be most helpful, we believe, to examine these circumstances on a broader basis.

In general the wording of the advertisements is not objectionable, nor are the statements attributed to the engineers self-laudatory. It may even be said that the advertisements are to the benefit of the profession and particularly to engineers in private practice because they point to the value of clients utilizing the services of professional engineers. Example 2 particularly encourages the use of consulting engineers.

Nevertheless, we think that associating the name of an engineer in independent practice with a particular product or service is contrary to the best interests of the profession by virtue of the fact that the reader of the advertisement can hardly escape the impression that the engineer is endorsing the particular product or service over those of competitors. In addition, as stated in Case 59-1, "By allowing the use of the name of the engineering firm, the firm has accepted a benefit from the manufacturer which might tend to influence its impartial judgment in future engagements. Therefore, it is a practice which is ' . . . likely to discredit or unfavorably reflect upon the dignity or honor of the profession'."

Section 10(a) prohibits acceptance of any "considerations" for specifying a product of "material or equipment suppliers," and we have no doubt that this extends to manufacturers and suppliers of energy services. This is not to say that the engineers involved in the three examples did accept specific benefits in return for specifying the products or services of a particular project. However, the publicity or advertising value to the engineer flowing from the advertisement is a form of "consideration," which may induce the engineer, even though subconsciously, to favor the particular product or service in other projects.

It should be emphasized, as noted in Case 59-1, that there is no objection to having a proper credit line for the work of engineers in a particular advertisement when the project is depicted by text, photographs, or drawings.

A proper credit line is limited to circumspect identification and nature of the participation of the engineer or firm.

Conclusion:

It is not ethical for an engineer to authorize the use of his name in such commercial advertisements.

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