

CHAPTER 18

The Ethics of Professional Advertising⁵

As many persons trained in wildlife or fishery biology or other environmental sciences often go into consulting, either as individuals or with large firms, these observations on advertising will be relevant.

At one time, it was considered unprofessional for doctors, lawyers or foresters to advertise. Professional leaders considered advertising undignified, equivalent to hawking soap powder or snake oil. Advertising did not comport with their vision of the role and image of a learned profession. It also conflicted with a comfortable vision of professional practice in which price competition was severely discouraged. In fact, many professional ethics codes banned advertising until the late 1970s, when the Supreme Court ruled that such bans were an illegal restraint of trade.

Advertising can serve consumers and clients by encouraging competition and providing information about suppliers of services they need and new entrants in the field.

Many consulting foresters conduct little or no advertising to promote their practice. Some nationally known firms do not advertise at all, while others place ads in leading publications simply to support professional organizations. Yet in many areas of the country, the consulting business is becoming more competitive. If a forester adds new services or a branch office or enters the field anew, a need may arise for advertising. In planning advertising, foresters should check the ethics canons. On reading the canons, however, a few questions are likely to remain.

⁵ Ireland, L. C. 1997. The Ethics of Professional Advertising. *The Consultant*, Summer: 28-30. Reprinted with permission.

There is little reason to think there is any problem at present with unethical advertising in forestry. This impression was bolstered by informal inquiries with state registration (or licensing, certification, etc.) boards and the Association of Consulting Foresters (ACF) and the Society of American Foresters (SAF) officers. But complaints of one sort or another do occur, many having to do with non-registered individuals in states with registration laws. Thinking ahead about ethical questions is the best way to avoid problems in the future. The following may help members who are grappling with these questions.

WHAT DO THE CODES SAY?

Canons of both SAF and ACF include a number of common elements. The codes include mandates for truthfulness; dignity; qualifications and experience; and selection on experience, competence and reputation. Members also must refrain from criticizing competitors and from excessive self-praise.

The ACF Canon directed toward advertising refers only to services offered and not to competence, but competence is mentioned in the next canon.

Registered foresters in many of the 15 states with registration programs are covered by ethics codes or practice standards adopted by these programs. Of ten states responding to my inquiry, six (Alabama, Maine, New Hampshire, Michigan, South Carolina and Oklahoma) clearly mentioned advertising in their rules.

ACF firms which do advertise use a variety of publications, according to an informal survey. Many consultants place ads in their state forestry association magazines as well as regional and national landowner publications. Others mentioned state bar association and real estate magazines.

A unique tack was taken by Lanny Autry, ACF, of New Albany, Mississippi. For some 15 years he purchased space for a weekly column (200 to 250 words) in a local daily newspaper. Called "Timber Tips," the folksy column contained limited, but powerful references to forestry. One week's topic – turnip greens – concluded with the point that this was a fine vegetable, but did nobody any good until it was cut and eaten. Autry said the column created good name recognition for him throughout the area.

WHAT IS ADVERTISING?

The dictionary defines advertisement as “a notice designed to attract public attention or patronage.” The canons use “advertise” as a verb, implying the specific activity of advertising, or placing ads in suitable places. This may include hand-bills or other items passed out at meetings, ads on radio, newspapers or forestry-oriented publications, or even product marketing bulletins issued by state forestry agencies. All these things we readily understand as advertising.

Yet other activities could be taken as advertising if:

- a measure of actual or implicit self-promotion is involved or could reasonably be inferred by the audience.
- potential clients are likely to be aware or become aware of statements made.

These situations might include talks at meetings of landowner groups at which potential clients are likely to be present, as well as articles or letters to the editor of publications read by potential clients. A display poster in a promotional booth at a forestry fair or similar event could be taken as advertising, even if not strictly intended as such. A brochure or mailer listing the firm’s activities and services would presumably have to abide by ethical rules related to advertising, even if it is not strictly speaking an “ad.” The ACF is now circulating its Membership Directory very widely. It would not be a stretch at all to construe a claim of competence in the directory as “advertising.”

Under ACF by-laws, individuals are members, but not firms. Thus, ads by firms must include the name of the ACF member.

Most of us welcome chances to talk about our work and forestry issues to landowner groups, and to write brief contributions to newsletters and magazines likely to be seen by potential clients. This is a basic promotional strategy—making ourselves more visible in situations where we are presented as experts. So is this advertising? Not really, but conversation can at times drift into a self-promotional vein quite by accident. At such times, it is well to be mindful of the canons. We also write letters to clients or even publish newsletters informing them of our activities. We don’t think of these as ads, but their purpose is the same. In the legal profession there has been considerable discussion of the ethical guidelines for such materials.

There are points about which foresters do not agree. When advocating your viewpoint about one of these, take care to avoid statements that could be taken by a listener or reader as criticism of an individual competitor.

WHAT IS DIGNIFIED?

The canons of both ACF and SAF require members to be truthful in all advertising. This is easy. But what does dignified mean? Dignity in these times may not be easy to define in operational terms. When people wear Levi's to church, presidents of the United States sign laws by informal first names (Jimmy, Bill) and senior business executives make a cult of informality, Victorian notions of dignity are out the window. As Marcus Aurelius said, what we are looking for is a "proper dignity and proportion." We just need to find out what that is. To some extent, we know it when we see it.

The American Heritage Dictionary offers five meanings of "dignity." The meaning most in point here is "poise and self-respect; stateliness and reserve in deportment and appearance."

Now "poise and self-respect" are little more specific than where we started. But they help. They convey a sense of taste reflecting self-respect and not crass commercialism or brazen self-promotion. Stateliness may be of little help, but the notion of reserve may be useful.

Members are specifically admonished to avoid criticism of competitors in advertising by the ACF Code, but not by the SAF Code. Perhaps the SAF Code's drafters intended to imply such a prohibition in their requirement for dignity.

"There is a proper dignity and proportion to be observed in the performance of every act of life" — Marcus Aurelius

WHAT IS COMPETENCE?

Competence surely involves the ability to deliver a service at a high level of quality in conformance to professional standards. Yet time and budget limits often force us to employ approximations or shortcuts, or otherwise balance cost versus depth of investigation on a problem. Judgment and experience are often substituted for detailed measurement and analysis. Because of this, competence is often judged by reputation.

Consumers often have little or no basis to determine the competence of doctors, attorneys, appraisers, foresters or loggers they retain for important assignments. Listing various services in an ad, brochure or directory is a claim of competence in those special areas. In an advertisement, support for assertions about competence cannot be exhaustively listed. For some services, ownership of up-to-date and powerful equipment is essential, and can be cited. References to educational attainment, special professional designations (e.g., MAI), or association membership (ACF) also are customary.

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How much competence is enough? There is no answer to this question. Quite often, a professional embarks on offering a new service with only a minimum of experience. It is not necessary to advertise inexperience, but candor with clients concerning applicable experience is essential when handling inquiries.

When services requiring specialized knowledge are needed by a client, a common approach is to bring a specialist into the project. Consultants must judge for themselves what level of knowledge of specialized tasks they must have before offering them to clients (Schlossberg, 1993: 163-164).

Examples of misrepresentations of competence have occurred, including one recently within ACE. Usually, however, these are not in the context of advertising.

WHAT IS EXPERIENCE AND REPUTATION?

The first is clear, the second less so. There is no limitation on factual references to key measures of experience, such as 22 years of field experience, 250 forest tracts appraised, 400,000 acres of timberland cruised. Facts like these provide potential clients with an indication of your track record.

Reputation is not so clear. It is probably best to avoid references to reputation in advertising and in all ad-like statements or situations.

Providing references on request is perhaps the best way to establish reputation for potential clients who are not in a position to be familiar with your work. In brochures and informational materials, however, authorized and accurate quotations from former clients about your work can be useful.

One aspect of reputation is the public face you present to the world. Advertisements and related items are a critical element in this.

ADVERTISING ABOUT PRICES

Professional foresters rarely, if ever, mention pricing practices in advertisements. Yet they may refer to them in the many other ways noted above. The SAF Canon specifically permits reference to fees charged, while the ACF Canons are silent on this topic, preferring to urge clients to select forestry consultants on the basis of experience and reputation. Yet all of us often bid on industrial and government agency projects in which cost is a significant or perhaps the only consideration in awarding the work.

Claims about pricing practices used, stated in a suitable manner, are clearly acceptable. Note that in both ethics codes, additional canons bear peripherally on pricing of services. While some foresters feel that any mention of pricing (methods or amounts) is undignified, there seems to be no specific ethical barrier to doing this. Advertising about prices is increasingly common among doctors, attorneys and other professionals. Foresters must judge whether it is useful to their customers or not.

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PRACTICAL GUIDELINES

In advertising and related speech and materials, exercise restraint and poise. Err on the side of modesty and dignity. Avoid negative statements or implications about competitors.

Be aware of situations that might be perceived as self-promotion or advertising. Make sure you keep the ethics canons in mind. Remember that listings in directories may be construed as ads.

When relevant and possibly important to the potential client, you may refer to pricing methods or systems used, or suggest that details can be provided on inquiry.

Advertising and related materials can and should speak specifically of experience, educational attainment, types of clients served, professional designations and memberships, ownership of specialized equipment, and related points.

In a state with a registration law, you may be affected by its provisions whether registered or not.

If you make any claims even loosely related to environmental benefits, check with your state's attorney general's office to see if there are any guidelines about environmental marketing claims.

Many professional foresters would benefit by making careful use of advertising as a business development tool. Early on, foresters should reflect on the relevant ethics canons and review their planned materials and statements with the canons in mind.

ETHICS CANONS ON ADVERTISING

- SAF Canon 3: A member will advertise only in a dignified and truthful manner, stating the services the member is qualified and prepared to perform. Such advertisements may include references to fees charged.
- ACF Canon 3: A member will advertise only in a dignified and truthful manner, setting forth in truthful and factual statements services offered prospective clients and the public.
- ACF Canon 4: Professional work should come to ACF consulting foresters only on the basis of their experience, competency, and reputation. Solicitation by criticism of competitors, self laudation or lobbying is degrading to the profession and is unethical.
- Michigan Standards of Practice for Foresters No. 3: A registrant shall not make exaggerated, false, misleading, or deceptive statements in advertising, brochures, or written or verbal presentations . . .

