

TO TOUT OR NOT TO TOUT.....

Should local professionals emulate their Western counterparts in advertising their services?

There are rules of conduct which all professional men must observe. Refraining from advertising would, I think, clearly be one.

-Lord Goddard CJ in *Hughes v Architects Registration Council (1957)*

THE ATTITUDE TO advertising by professionals is taking a turn, especially in countries like the United States, Britain and Australia. Some of the more 'unconventional and entrepreneurial professionals' are challenging the validity of the once-sacred 'law' prohibiting advertising in almost every profession worldwide.

One can either greet this anti-establishment move with heightening insecurity or welcome it as a healthy wind of innovative.

Professionals in Malaysia, however, are not particularly worried about the change. Many in fact are adopting the 'wait-and-see' attitude on the whole matter, saying: 'Let's see what happens in the West and in Australia, and if the move to advertise proves to be a more profitable venture, then perhaps, we here in Malaysia may consider lifting the ban on advertising.'

What are some of the arguments against advertising by professionals? Manjeet Singh Dhillon, vice-president of the Bar Council of Malaysia says the basic argument against advertising by legal professionals is the notion that one should not demean oneself by advertising. 'As a professional, one should not go around promoting one's own services or claiming to be the best in a particular field,' Manjeet says. 'In the eyes of the profession, it's not ethical.'

Another argument against professionals advertising is the conscious avoidance of commercialising the profession, cites Tan Shook Kheng, executive director of the Malaysian Association of Certified Public Accountants (MACPA). 'Advertising does not come in line with professionalism,' Tan says.

Raja Arshad Raja Tun Uda, vice-president of MACPA tells **Malaysian Business** that the issue of whether or not Malaysian accountants should be allowed to advertise has not been debated at length. He thinks the current restriction on direct advertisement in the accounting profession should stay. 'The product that a professional has to offer is a service, and as such it does not need the constant bombardment of advertisements.'

The code of ethics established by the Malaysian Board of Engineers forbids advertising by its members, says Rocky H T Wong, chairman of the Association of Consulting Engineers Malaysia (ACEM). Nevertheless, the code will change with time and other structural alterations in the profession and marketplace. Wong says the Board of Engineers is aware of these changes and will continue to spawn further evolution in the profession.

Wong cites the rise of consumerism with its attendant consumer finickiness, another change in the marketplace, as a reason why engineers in Malaysia cried out to the Board of Engineers to relax the advertising ban. He says advertising within the boundaries of a defined set of guidelines can be allowed but stresses that it should be done in good taste.

The President of the Malaysian Dental Association (MDA) Dr A Ratnanesan is personally not against some degree of advertising in the dental profession. The profession is currently governed by a stringent code of ethics which, among others, bars advertisements heavily tinged with self-promotion and comparative elements.

But the arguments against advertising in the practice have stemmed from the fear of misinforming or misleading the public and consequently, 'cheapening' the profession. 'If advertising were to be allowed, there is always the tendency for people to abuse the privilege,' Ratnanesan adds. Nonetheless, he feels that advertising would serve as a good vehicle to create public awareness of the services that could be offered within a particular profession.

Some may consider it shameful for a professional to advertise but the notion that advertising is only for the business community no longer holds water as professionals step into the decade of the nineties. The practice of advertising is now considered fashionable, to the dismay of traditionalists. The professional code of ethics in the West and the Land Down Under has been altered to accommodate the onslaught of commercialism.

Ask a child these days what he aspires to be when he grows up, and the choices are usually clear-cut. Professions in medicine, law, engineering, accounting, and architecture among others, are common responses. Why medicine? Why law? And not something else? The bottomline is that these professions are lucrative, money-rolling businesses.

Goddard's opinion may be noble but times are changing. Professionals run their own businesses too these days, even though they may vehemently deny it. As such, the marketing mix (the combination of product, price, place and promotions/advertising) must be put to play to achieve desirable results.

There is undoubtedly a business aspect to every profession. Office management, financial accounting, and human resources management, to name a few are part and parcel of selling a professional service these days. Manjeet says a professional is a hybrid of the profession and business. Professional ethics have a more liberal tone in the US because most professions there are looked upon as businesses, he opines.

Financial affordability is one of the reasons advanced for restriction on advertising by professionals. It has been frequently argued that the large firms, with their seemingly unlimited resources would be able to put together a more effective advertising plan to the detriment of smaller practitioners who perhaps can only afford classified ads. On the other hand, it is also argued that advertising would give small practitioners the leeway to undercut fees. Both arguments are well-grounded.

In Malaysia, there is a tendency for larger professional firms to lobby for the relaxation of advertising restrictions. According to Manjeet, the bigger firms need a large volume to survive. In addition, they may have a wider base of specialised services which need to be communicated to prospective clients.

'Otherwise, potential clients may not know exactly where to locate the necessary expertise,' Manjeet says. 'It will be a shot in the dark when potential clients go hunting for expertise.' International clients are especially affected as they are at a loss to find the expertise, he adds.

Manjeet's views are echoed by Wong. 'Malaysian professionals will be at a disadvantage when their foreign counterparts are allowed to advertise,' Wong quips. 'Sometimes, it is not that we don't have local expertise. The trouble is people don't know where to locate them,' he explains. Many people are paying huge fees for the services of foreign professionals and consultants, Wong claims. 'You need the services of a sound/acoustic engineer, and you don't know anyone personally; without an ad furnishing you with the necessary information, where will you look for this particular person?'

Wong says that there is a crying need for the use of advertisements to tell the market of the various services available within the profession. But he adds that all advertisements (should the current restriction be relaxed), should initially be handled by the association rather than by individual firms of professionals. 'The general public will take some time to get used to seeing ads by professionals. We'll do the exercise slowly. Comparative advertising, in my opinion should continue to be banned, he adds.

Ratnanesan recalls how the 1986/87 recession badly affected the dental practice. 'Somehow during the recession, in the midst of hard times, the general public seemed to think it was okay to cut down on their dental care expenditure.' Thus, many dentists, especially the 'lesser known ones' were virtually out of business. Ratnanesan says that advertisements should be allowed for new dental surgeons embarking on private practice to announce the commencement of their practice. But he also maintains that the advertising exercise should go through the MDA.

Dentists are now allowed to have calling cards and sign boards at their clinics (the size of the board and the letterings are subject to the regulations imposed by MDA). With more dentists coming into the market, the pie will obviously be cut into smaller pieces. Ratnanesan sees advertising as a good tool to cut the market share in a competitive business situation. It is also good 'instrument' to make the competition quake.

Toothpaste endorsement treads a fine line between advertising and service. Nevertheless, Ratnanesan says there is nothing unethical or immoral about it. Despite a 'commotion' in the past championed by the Consumer Association of Penang (CAP) 'denouncing' the practice, the MDA president maintains that the endorsement practice does not violate any of the ethical rules laid down by the Malaysia Dental Council (MDC).

He adds that the endorsement process must observe the stringent rules set by MDA. Toothpastes will be tested by the Standards and Industrial Research Institute of Malaysia (SIRIM). MDA, according to Ratnanesan, endorses the fluoride in the toothpaste and not the toothpaste itself.

He explains that fluoride in toothpaste has been shown by studies to reduce tooth decay by 30 per cent.

'One must not advertise for the sake of advertisement or simply do it because one's counterparts are doing it,' MACPA's Tan believes. Arshad says that local accountants are still refraining from 'what the Joneses are doing' abroad. He also questions the cost-benefit factor of advertising by professionals. Opponents of advertising strongly argue that it will push the cost of services way up.

Supporters of advertising, on the other hand, maintain that the cost of advertising would be offset by a substantial hike in volume. 'Should one advertise, would the turnover be significantly higher or just marginal?' Arshad asks. He holds that 'word-of-mouth advertisement' is much more effective.

The Malaysian Bar Council is currently considering the possibility of allowing advertising in the profession, initially through the production of client brochures. According to Manjeet, the marketing of a practice in this form remains, for local lawyers, an alien concept. 'Any change from the conventional stance of anti-advertisement is certain to require a period of emotional adjustment to a profession bred on contempt for touting,' Manjeet quips.