

THE CONSUMER OMBUDSMAN'S GUIDELINES FOR THE MARKETING OF AIRLINE TICKETS WHEN ONLY A LIMITED NUMBER ARE OFFERED AT AN ADVERTISED PRICE

1. INTRODUCTION

The guidelines express the requirements from the Consumer Ombudsman concerning the marketing of airline tickets when only a limited number of seats are available at the advertised price.

For information on other issues regarding the marketing of airline tickets, please consult the instructions regarding the Consumer Ombudsman's practice, "Price Information – the Marketing Control Act", which can be obtained by contacting the Consumer Ombudsman's office.

§§ 2 and 3 of the Marketing Control Act are the most relevant for the guidelines. §§ 2 and 3 prohibit the use of incorrect, misleading and insufficiently informative marketing that is designed to increase the demand for goods and services.

Price information must be clear and unambiguous, and the price that is marketed must be genuine.

The Consumer Ombudsman requires, in accordance with the Marketing Control Act, that any conditions or limitations imposed on a marketed offer must be stated as far as practically possible, and that this information must be stated approximately as clearly as the information in the main marketing message.

The marketing must be changed immediately, or as soon as possible, after the offer is no longer available at the advertised price.

2. INFORMATION ON LIMITATIONS ON THE NUMBER OF SEATS AVAILABLE AT THE ADVERTISED PRICE

2.1 Definitions

Campaign measures

Campaign measures: when certain prices are only valid for a limited period of time and this is stated in the marketing materials.

Fixed low prices

Fixed low prices: prices that are not marketed as valid only for a predefined period of time.

2.2 Guidelines for the marketing of campaign measures

If the number of tickets offered at the campaign price is so limited that the tickets are likely to be sold out during the campaign period, the marketing materials must state that the offer is only available for a limited number of seats.

If the offer is not valid on every day of the week, this must be stated in the marketing materials. In this event, it must be made clear in the marketing materials if an offer is not valid, for example, for departures on Thursdays, Fridays and Sundays or in connection with specified holidays.

If, at the beginning of a marketing measure, so few tickets are offered that there might be fewer than 20 tickets per day available at the advertised price, this must be stated in the marketing materials. The marketing materials must state on which days this might be the case, for instance that the number of tickets at the advertised price is very limited (perhaps fewer than 20 per day) for departures on Thursdays, Fridays and Sundays or in connection with any holidays during the campaign period.

Aeroplanes with 72 seats or fewer must be regarded as small aeroplanes when it comes to these guidelines and are not covered by the provisions of the above paragraph.

For the marketing of airline tickets for small planes, the following guidelines apply:

If, at the beginning of a marketing measure, so few tickets are offered that there might be fewer than 10% of the total number of seats per day available at the advertised price, this must be stated in the marketing materials. The marketing materials must state on which days this might be the case, for instance that the number of tickets at the advertised price is very limited (perhaps fewer than 10% of the total number of tickets per day) for departures on Thursdays, Fridays and Sundays or in connection with any holidays during the campaign period.

2.3 Guidelines for the marketing of fixed low prices

The prices that are advertised must be representative, i.e. there must be a real possibility at all times of obtaining tickets at the advertised price.

There must be a real possibility at all times of obtaining tickets at the advertised price when the date of departure is sometime in the near future after the price has been advertised. In this context, “the near future” means a period of three months from the time the price is advertised.

Important limitations on the offer must be stated in the marketing materials. For instance, the marketing materials must state whether the advertised price is only valid on certain days of the week, for instance not for departures on Thursdays, Fridays and Sundays, or whether it is not valid on specified holidays.

3. AVAILABILITY

When making inquiries by telephone or when searching on the Internet, the consumer should be able to see on which dates and for which departures tickets are available at the advertised price. The consumer should not have to search every single date to see whether tickets are available at the advertised price. It should also be possible for the consumer to search for a specific price, i.e. obtain information about the dates and the departures on which it is possible to travel at the advertised price.