

Help Note on Travel Marketing

CAP Help Notes offer guidance for non-broadcast marketing communications under the British Code of Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast www.clearcast.co.uk for TV ads or the RACC www.racc.co.uk for radio ads.

BACKGROUND

These guidelines, drawn up by the CAP Copy Advice team, are intended to help marketers, agencies and media interpret the rules in the CAP Code as far as they relate to the subject discussed. They are based on ASA adjudications and neither constitute new rules nor bind the ASA Council in the event of a complaint about a marketing communication that follows them. The guidance below was developed in consultation with companies and trade associations from the travel industry.

GENERAL

Fares

1. Marketing communications that quote fares should include in prices all taxes and other compulsory charges paid at the point of purchase of the ticket, whether they are levied in the UK or abroad (e.g. Air Passenger Duty and many airport or port taxes levied by foreign countries).
2. Marketers should state clearly whether any other taxes (or other charges) levied abroad but not paid at the point of purchase, are payable. They need not state the amount.
3. If fares are subject to foreign-levied taxes or charges payable at the point of purchase, marketers should endeavour to state accurately the amount consumers will have to pay. Where they are not prepared to absorb the profit or loss that might result from changes in the level of taxes, or changes in relevant exchange rates between the time of advertising and the time of purchase, marketers should state clearly in a footnote that taxes, and applicable exchange rates, were correct at the time the marketing communications appeared but may vary.

4. Marketers wanting to quote a fare-only price as well as an all-inclusive one should give more prominence to the all-inclusive price.
5. Marketing communications that quote one-way fares should state prominently, not in small print, that fares are one-way.

“Free” tickets, Reduced-price Offers and Promotions

1. Significant conditions and limitations relevant to discounted or promotional tickets must be stated clearly in marketing communications.
2. Marketers should describe a mode of travel as “free” or, for example, available for “£1”, only if they have absorbed the cost of compulsory taxes and charges. Similarly, marketers should not imply travel is free by, for example, claiming a “travel giveaway” or similar.
3. Marketers should not describe promotional offers as “Buy one Get one Free” or “Two for the Price of One” unless the costs of any compulsory taxes and charges have been included.
4. Travel or trips described as “free”, but which is dependent on the purchase of something else, such as specified accommodation or return tickets, should be immediately qualified with details of the compulsory extra.

Availability and Travel Periods

1. If not all tickets are available at the quoted fare, marketing communications should state prominently that fares are “from ...”.
2. If marketing communications include a “from” fare, a minimum of 10% of reservable seats must be available at that fare. Similarly, if marketing communications include an “up to” savings claim, a minimum of 10% of reservable seats must have been reduced by the specified maximum “up to” amount.
3. If a specified quantity of tickets at the advertised fare is stated in marketing communications the 10% availability guideline does not apply.
4. The availability of tickets at an advertised fare should be spread reasonably evenly across the travel period.

5. Marketing communications should state clearly any significant periods for which marketers cannot fulfil the 10% availability requirement. Whether the omission of information relating to periods of lower availability is likely to mislead consumers depends on marketing communications' probable impact when taken as a whole and in context.

Nb. Factors likely to determine whether periods of lower availability are significant include:

- the period of lower availability versus the overall length of travel period (e.g. lower availability on one day during a travel period of one year is unlikely to be considered significant)
 - the regularity of lower availability periods (e.g. if availability is lower every weekend over a travel period of 12 weeks that is likely to be considered significant)
 - whether periods of lower availability coincide with high levels of demand (e.g. if availability is lower on bank holidays that is likely to be considered significant).
6. Marketers are encouraged to state clearly the travel period relevant to their quoted fares. Whether the omission of a travel period is likely to mislead consumers depends on marketing communications' probable impact when taken as a whole and in context.

Nb. Claims that imply a particular travel period (e.g. pictures of a Christmas tree) and, for flights, advertised destinations (e.g. long haul or short haul) are examples of factors that could influence an average consumer's perception of the likely travel period.

7. Block advertising bookings that do not allow for an amendment to marketing communications should not be arranged if there is a strong possibility that by the time the later insertions appear they will have become misleading.

Comparisons of Journey Times

1. Comparisons of journey times should be fair, conducted on a like-for-like basis e.g. peak times against peak times, and should not mislead.

2. When times for the same journey by rail and air are compared, the air calculation should include the transfer times between the centre of town and the airport (if the airport is not centrally located) and the cost of transfer between the centre of town and the airport (if the airport is not centrally located).

Environmental Claims

Travel marketers wishing to promote the green credentials of their products or services need to consider how the ASA is likely to interpret their claims and what sort of evidence is needed to substantiate them. Advertisements should take account of the Government guidance including the Green Claims Code published by DEFRA and BIS. As well as adhering to the Environmental section in the CAP Code, marketers should comply with the following guidance:

1. Claims such as “environmentally friendly” should not be used without qualification unless marketers can provide convincing evidence that their service will cause no environmental damage taking account of the full life cycle of the product from manufacture to disposal.
2. Marketers should include the source of data used to support claims and ensure that the basis of claims is clear.
3. Marketers wishing to make claims based on future projections should ensure that they are clear, based on accurate data and, if relevant, suitably qualified.
4. Claims such as a comparison of the amount of CO₂ produced per passenger compared with other forms of transport, may be acceptable if they are based on robust evidence.
5. Airline and rail operators must ensure that they make a reasonable assessment of how many passengers are likely to occupy a plane or train when calculating emissions figures per passenger, for example by using DEFRA’s most recent figures or, alternatively, make clear in a footnote that an alternative load factor has been used.
6. Claims about the amount of CO₂ produced by a mode of travel should be based on widely recognised and accepted figures and methods, for example those used by DEFRA.

7. Marketers who want to make carbon neutral claims should use robust methodologies to calculate CO2 emissions amounts.
8. Marketers should not use the unqualified claim of “carbon neutral” if they cannot show that all elements of the manufacture of that mode of transport, are carbon neutral. The claim “carbon neutral journey” is likely to be acceptable provided marketers can demonstrate that those aspects of their advertised journeys for which they are responsible are carbon neutral.
9. Marketers wishing to claim carbon neutrality on the basis of purchasing credits (offsetting) should do so in a robust and verifiable manner. Generally that can be achieved by buying offsets from companies that run emissions-reduction or emission-capture projects that comply with a generally recognised standard.

AIR TRAVEL

Airport Names

The ASA has upheld complaints against advertisements for flights that specified departure or destination cities but omitted the name of the airports; because those cities were served (as recognised by IATA) by more than one airport, the ASA ruled that the advertisements could mislead consumers.

The following points apply to marketing communications for flights bought directly from airline companies if a departure city or destination city is specified. They apply whether a price is given for the advertised flight or not. They do not apply to marketing communications by agents if those communications give contact details for enquiries, because consumers are unlikely to expect all the information to be included in those communications.

1. Marketing communications that state departure and/or destination cities that are served by more than one airport should specify airport names. For example, flights from London should be qualified to refer to Heathrow, Gatwick, Stansted, Luton or City and flights to Paris should be qualified to refer to Roissy-Charles de Gaulle, Orly, Le Bourget or Beauvais Tille;
2. If the departure or destination city is served by only one airport, and that airport is in or close to the city, qualification is unnecessary;

3. If the departure cities or destination cities are served by more than one airport but consumers are given a same-price choice between all those airports, qualification is unnecessary;
4. The name of the airport may be stated alongside the headline claim or in body copy. If it is stated in a footnote, the footnote should be asterisked to the headline claim and be visible to a normal-sighted person reading the marketing communication at a normal speed.

Airline comfort

1. Marketers should not confuse legroom with seat pitch. Bulkhead seats (which generally offer more space in front of the knees but do not provide under-seat space to extend feet into) should not be advertised as “extra legroom” without clarification of the limitation for stretching legs forwards;
2. Marketers should not imply that luxury features are available on all flights if they are limited to a few aircraft or on specific journeys and should make qualifications about exclusions prominent.

RAIL TRAVEL

The following point for rail travel marketing communications supplements those above in the General section on Availability and Travel Periods.

1. Unless marketing communications promote First Class travel, all classes of travel or imply that First Class travel is included, reservable ticket allocations for First Class travel can be excluded from the 10% availability calculation.

CRUISE AND CRUISE TRAVEL AGENTS

1. Brochure prices and those advertised by agents must be genuine and achievable. Quoted prices should not be inflated to artificially increase the size of advertised savings.

2. Cruise lines should be able to demonstrate, ideally with sold data from the live booking period, that 'top' brochure prices are commonly being paid by consumers. In the absence of sold data for the advertised cruise, suitable alternative evidence could include:
 - sold data from equivalent cruises in previous travel periods (the more recent the better) demonstrating significant sales at or close to the advertised price
 - a robust assessment of the economic conditions that affected the setting of the brochure price
 - a robust assessment of any other conditions that affected the setting of the brochure price

TRAVEL AGENTS

1. Because most travel agents have less control than airlines over the availability of seats at reduced or promotional prices, they are not subject to the 10% requirement described elsewhere in this Help Note. Instead, if they advertise flights or other travel that, by the time an advertisement appears, might be extremely limited or unavailable, agents should state that offers are "extremely limited", "Offers may be withdrawn without notice" or similar.
2. The headline price for package holidays must include local payments for all tours, trips, excursions and the like, where that payment is non-optional.
3. Tours, trips, excursions and the like should not be described as "free" if there is an entrance fee to the main attractions.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or by e-mail on advice@cap.org.uk. The Copy Advice website at www.copyadvice.org.uk contains a full list of Help Notes as well as access to the AdviceOnline database, which has links to relevant Code rules and ASA adjudications.