

ASA on misleading prices. Again.

The Advertising Standards Authority regularly investigates complaints about misleading prices and many of them involve travel companies, probably because of the complexity of travel prices. Despite comprehensive advice in the CAP Code companies continue to infringe the rules on a regular basis. This is one of the simpler cases of a breach of the Code.

An online travel agency, www.click2book.co.uk, seen on 10 July 2020, listed a return flight with British Airways from London to Orlando on 23 December 2020 and returning on 2 January 2021. The ad stated that the price of the flight was "£464.5" [sic].

The complainant, who found that the flight was not available at the advertised price, challenged whether the ad was misleading.

Flights & Holidays UK Ltd said flights on their website were bookable at the prices shown. In this case, they maintained that the payment had not been completed and that had the payment been made, they would have honoured the advertised price. They said there were certain special prices that were only bookable online.

The complaint was upheld. The ASA considered that consumers would interpret the claim "£464.5" to mean the flight was available for that price at the time they viewed the ad. The price was not presented as a "from" price, and there was no indication within the ad that the price was subject to change. The CAP Code required marketers to monitor stocks and stated that the marketer should withdraw or amend marketing communications when a product became unavailable.

The ASA understood that flight prices available through third parties were liable to fluctuate and advertisers were unlikely to be able to monitor real-time availability, meaning that flights might not be available at the advertised price by the time consumers attempted to make a purchase. However, the ASA considered that the ad was presented in a way which suggested Flights & Holidays UK would be able to supply the flight at the advertised price. Because the ASA had not seen evidence that the flight was available at the advertised price at the time the complainant viewed the ad, the ASA concluded that the ad was misleading.

[Source: ASA. 6 January, 2021]