



DECISION

FIRST INSTANCE JURY

Complaint by	CL, consumer
Advertiser	Cyprus Airways
Issue	Claims on advertiser's website regarding business class accommodation
Discussed on	Tuesday 15 October 2013
Decision issued	Wednesday 16 October 2013
First Instance Jury	Andreas Stylianou / Cyprus Advertising & Communications Agencies' Association, Chairman George Georgiou / Cyprus Advertisers' Association Anna Antoniou / Media Panayiotis Panayiotou / Non-Industry Elias Sozou / Non-Industry
Present at Meeting	<i>From Cyprus Airways:</i> Niki Michail, Client Services Department Kiki Haida, Web Content and Campaign Management Christina Xida, E-services projects

Issue:

CL complained that Cyprus Airways advertises and sells business class flights but provides economy class seating and standard of service. The main complaint was over the seating arrangements. When CL was selecting seats, the Cyprus Airways online seating plan showed that the seats were arranged in groups of 2; however, upon boarding the plane, the consumer found that the seating arrangement was in sets of 3 and no different than economy seats. The fact that the middle seat was left vacant is, in the consumer's view, not a mitigating factor as it doesn't contribute anything to the comfort and the legroom of the seat provided.

CL noted that Cyprus Airways provides details of their fleet on their web page -which shows that some of their aircrafts have 3 X 3 seating arrangement throughout, but others have 2 X 2 seating arrangement in the business class area of the aircraft; this, linked to the fact that when one goes to the page to select a seat, the seating shown is 2 X 2, is in the consumer's opinion misleading. Furthermore, the seating numbering of A and C and D and F for adjacent seats is the normal numbering of business class seats on a 2 X 2 arrangement. Finally, CL added that this is an issue that Cyprus Airways must be well aware of, since the cabin crew during the flight confirmed that they receive complaints all the time regarding this issue.

Advertiser's Response:

According to Collins Dictionary, “*Business class is a class of air travel which is less luxurious than first class but superior to economy class, intended for business passengers.*” The Cyprus Airways business class product includes a variety of services to accommodate their business class passengers, such as:

- Dedicated business class check- in counters
- Baggage allowance: 2 pieces up to 32kgs each (priority delivery)
- Business Lounge Access
- 150% Sunmiles points credit
- A wide variety of healthy, delicious meals with a choice of hot meal or hot breakfast and/or a cold snack depending on flight time
- A wide range of top quality spirits and wines
- Newspapers

As of March 2013 Cyprus Airways offers a uniform seat layout on all aircrafts. Specifically, from the first to the last row there are three seats on either side of the aircraft. However, for the comfort of Business class passengers and for more personal space, the middle seat remains empty. The Business compartment is separated by curtain.

This seating is not unique to Cyprus Airways. According to the company, many European airlines in short and medium haul flights, have the same seating provisions in business class.

Cyprus Airways informed its clients and collaborators about the new seat configuration in March/April 2013. More specifically:

- An email was sent to all SUNJET members
- A newsletter was sent to all 160,000 members
- A circular was sent to all Travel Agents

Jury Assessment:

1. The jury considered all the information presented to them. It acknowledged the fact that a big communications effort took place after the Cyprus Airways change in the seat layout, in March/April 2013. *However, for consumers not included in that particular list for whatever reason, the jury was of the opinion that the information presented today on the Cyprus Airways website is not clear as to the current seat configuration in business class.* There is no reference to the new seating approach on the business class section of the website. Moreover, and more importantly, when one books a business class ticket at present, the presentation shown during seat booking -and before the consumer confirms his buying decision-, is the following:

2. The jury understands that the above presentation is exactly the same as the one that was shown when the business class seating configuration was 2 X 2.
3. The jury acknowledges that the booking system is handled by Sabre Airline Solutions and as such, not directly under the control of Cyprus Airways. However, it believes that Cyprus Airways should instruct Sabre to effect the necessary changes to accurately present the current state of affairs.
4. Given the above, the Jury is of the opinion that the current presentation of the business class seating arrangement is in breach of **article 3 (b)** of the Code of the Cyprus Advertising Regulation Organization [*“Relevant factors which may affect consumers’ decisions should be communicated in such a way and at such a time that consumers can take them into account”*] and **article 5 (b) (i)** of the Code [*“Marketing communications should not contain any statements/claims or visual presentations or audio elements which, directly or indirectly, or by implication, omission, ambiguity or exaggeration, may mislead the consumer, in particular with regard to: i. the characteristics of the product, such as: nature, composition, method and date of manufacture, suitability for purpose, range of use, efficiency and performance, quantity, commercial or geographical origin, environmental impact;”*]

The Committee would like to exercise its right (Article 5, paragraph λ of its rules of operation) to review the new proposed presentation before the latter is aired so as to confirm compliance. The decision on compliance will be taken within two working days of the receipt of the proposed changes.