

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS  
WASHINGTON, D.C.

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)  
Benjamin Edelman, )  
third-party complainant )  
)  
v. ) Docket DOT-OST-2014-\_\_\_\_  
)  
Sri Lankan Airlines Limited )  
)  
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**COMPLAINT OF BENJAMIN EDELMAN**

Comments with respect to this document should be addressed to:

Benjamin Edelman  
169 Walnut St.  
Brookline, MA 02445  
E-mail: ben@benedelman.org

Dated: December 23, 2014

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**COMPLAINT OF BENJAMIN EDELMAN**

1. This complaint arises out of SriLankan Airlines mischaracterizing fees as “tax” and thereby failing to comply with applicable DOT requirements.

2. On December 22, 2014, I used the SriLankan web site, srilankan.com, to quote ordinary paid coach round-trip travel from New York JFK to Colombo, Sri Lanka. I found that the SriLankan site misrepresented carrier-imposed surcharge as “tax.”

3. Specifically, SriLankan provided the fare quote shown in Attachment 1. SriLankan quoted a “flight” cost of \$954 plus “tax” of \$587.60, for a total of \$1541.60.

4. On information and belief, there is no “tax” of \$587.60 on this route. Clicking the label “taxes” and expanding the window, I received an itemization describing a “Surcharge (YQAP)” of \$500 (which is not a “tax” and is not properly include in “tax”), along with other charges that I believe are indeed taxes. See

Attachment 2. I conclude that SriLankan overstates the amount of tax by \$500 per passenger on this route.

5. SriLankan's statement of "tax" is literally false.

6. It is unfair and deceptive to characterize a charge as "tax" when it is set by a carrier of its own volition and need not be remitted to any government, airport, or similar authority. Such false statements provide consumers with inaccurate information as to the actual cost of their travel.

7. The misstatements at issue occur on the ordinary SriLankan English-language web site, srilankan.com. The site offers a drop-down in the corner with a choice of language, showing a British flag adjacent to the label "English." The itinerary I quoted originates in the US, is priced in USD, and is marketed towards US consumers.

8. I found similar misstatements in other SriLankan fare quotes, including for travel to and from other origins and destinations and on other dates.

9. I ask that the Department of Transportation:

- (1) Exercise its authority under 49 USC 41712 to open an investigation of SriLankan for having engaged in, and continuing to engage in, the unfair and deceptive practices described above;
- (2) Pursuant to such investigation, order SriLankan to refund to ticket purchasers all monies represented to ticket purchasers as "tax" or government-imposed fees, but not actually remitted to governments;
- (3) Impose appropriate civil penalties on SriLankan; and
- (4) Refer this matter to appropriate US and foreign tax collection agencies for investigation of possible tax fraud or other violations of tax law in

non-payment to governments of monies collected as “taxes” or  
government-imposed fees.

Pursuant to Title 18 United States Code Section 1001, I certify that I have not in any manner knowingly and willfully falsified, concealed or failed to disclose any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing or prosecution of the pleading. I understand that an individual who is found to have violated the provisions of 18 U.S.C. section 1001 shall be fined or imprisoned not more than five years, or both.

Respectfully submitted,  
/s/  
Benjamin Edelman

Attachment 1

https://book.srilankan.com/plnext/srilankanair/F Search

You're our world  
**Srilankan Airlines** HOME SPECIAL OFFERS PLAN AND BOOK FLYING WITH US

search flights review travellers purchase reservation

**review your flight details**

Legend: = e-ticket option, USD = U.S. Dollar

**New York to Colombo**

**Flight 1** Monday January 26, 2015  
 Departure: 22:55 New York, United States Of America - John F Kennedy International, terminal 4  
 Arrival: 19:25 +1 day(s) Abu Dhabi, United Arab Emirates - International, terminal 1  
 Airline: SriLankan Airlines UL2600 Aircraft: Boeing 777-300ER  
 Operated by Etihad Airways  
 Fare type: [ECO FLEX](#)

Change of plane required. Time between flights : 3:35.

**Flight 2** Tuesday January 27, 2015  
 Departure: 23:00 Abu Dhabi, United Arab Emirates - International, terminal 1  
 Arrival: 04:55 +1 day(s) Colombo, Sri Lanka - Bandaranaike International  
 Airline: SriLankan Airlines UL208 Aircraft: Airbus Industrie A320  
 Fare type: [ECO FLEX](#)

**Colombo to New York**

**Flight 1** Monday February 02, 2015  
 Departure: 18:45 Colombo, Sri Lanka - Bandaranaike International  
 Arrival: 22:00 Abu Dhabi, United Arab Emirates - International, terminal 1  
 Airline: SriLankan Airlines UL207 Aircraft: Airbus Industrie A321  
 Fare type: [ECO FLEX](#)

Change of plane required. Time between flights : 4:40.

**Flight 2** Tuesday February 03, 2015  
 Departure: 02:40 Abu Dhabi, United Arab Emirates - International, terminal 3  
 Arrival: 08:25 New York, United States Of America - John F Kennedy International, terminal 4  
 Airline: SriLankan Airlines UL2603 Aircraft: Boeing 777-300ER  
 Operated by Etihad Airways  
 Fare type: [ECO FLEX](#)

Legend: = e-ticket option, USD = U.S. Dollar

**price**  
 SriLankan Airlines will accept payments ONLY in LKR, GBP, EUR, SGD, USD, JPY, or CHF. For transactions other than these currency types, both native as well as equivalent USD amounts will be shown. If both native and equivalent USD amounts are displayed in a transaction, then such transactions will be charged in USD.

travellers flights [taxes](#)  
 1 adult(s) x (954.00 + 587.60) = 1,541.60 USD  
**total for all travellers 1,541.60 USD**

[purchase conditions](#)  
[fare basis information](#)  
[convert displayed currency](#)

Attachment 2

The screenshot shows a web browser window titled "SriLankan Airlines - taxes and surchar...". The address bar contains the URL "https://book.srilankan.com/plnext/srilankanair/1". The page header features the slogan "You're our world" and the SriLankan Airlines logo. Below the logo is a scenic image of snow-capped mountains. The main content is a table listing various taxes and surcharges for an adult traveller.

Adult traveller(s)	
Surcharge (YQAP)	500.00 USD
US CUSTOMS USER FEE	5.50 USD
US INTL TRANSPORTATION TAX (DEPARTURE)	17.50 USD
US INTL TRANSPORTATION TAX (ARRIVAL)	17.50 USD
US ANIMAL AND PLANT HEALTH INSPECTION SERVICE	5.00 USD
US IMMIGRATION AND NATURIZATION USER FEE (INS)	7.00 USD
USA CIVIL AVIATION SECURITY SERVICE FEE (VIRGIN ISLANDS)	5.60 USD
SRI LANKA EMBARKATION TAX COLOMBO	25.00 USD
Tax description unavailable (XF)	4.50 USD
<b>Total taxes, fees and charges</b>	<b>587.60 U \$D</b>
	587.60 U \$D
	x 1 adult(s) = 587.60 U \$D
	<b>total taxes = 587.60 U \$D</b>

[close](#)

**Certificate of Service**

I hereby certify that I have, this 23rd day of December, 2014 caused a copy of the foregoing Complaint to be served by electronic mail on the following persons:

David Heffernan

david.heffernan@wilmerhale.com  
dheffernan@cozen.com

Blane Workie

blane.workie@dot.gov

/s/

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Benjamin Edelman