

January 14, 2012

Dayton Lehman  
Principal Deputy Assistant General Counsel  
Aviation Enforcement & Proceedings  
Department of Transportation  
by email

RE: American Airlines falsely presenting prices that are not actually available, neither on a one-way basis nor on a round-trip basis

Mr. Lehman,

In the course of preparing my letter to you on the subject of carrier-imposed surcharges falsely described as “tax,” I uncovered American Airlines falsely presenting prices that are not actually available, neither on a one-way basis nor on a round-trip basis.

Attachment 1 shows a standard screen in the current AA.COM booking process for a simple coach round-trip BOS-LHR-BOS. Note the remarkable fare of \$41 offered in Attachment 1 as the purported “Departure Fare” for BOS-LHR. But then the LHR-BOS fare is the much higher \$458 (Attachment 2), yielding a round-trip fare of \$489. The resulting quote is \$489 of “fare” plus \$196.10 of “taxes & fees” (Attachment 3). AA’s quote specifically reaffirms that the “Departure Fare” is “\$41” while the “Return Fare” is, AA says, \$458.

Why the large jump in fare between the outbound and the return? A reasonable consumer might worry that the return date of travel is a peak day and search for a lower-priced return. Any such search would be in vain; LHR-BOS fares are quoted at \$400+ on all other days. Meanwhile, a consumer seeking to fly LHR-BOS-LHR is quoted just \$57 (Attachment 4) on the same LHR-BOS segment that AA priced at \$458 to the BOS-originating passenger (Attachment 2).

I believe these price quotes result from AA.COM’s misleading and deceptive treatment of its carrier-imposed fuel surcharge. Inexplicably, AA is adding the entire surcharge to the return fare component, causing the outbound fare to be quoted at a far lower amount than the consumer’s actual payment to AA for that segment.

I believe AA’s pricing behavior, as detailed herein, violates DOT requirements for truthful airfare advertising. AA’s representation of a “\$41” fare BOS-LHR is simply not accurate; that amount improperly excludes carrier-imposed surcharges, and AA does not actually offer travel BOS-LHR for \$41 on a one-way basis or a round-trip basis. I credit that small type on AA.COM (middle of Attachment 1) says “additional taxes and fees will apply,” but I believe carrier-imposed surcharges may not permissibly be excluded or disclaimed in this way.

I believe the practices described herein apply to transatlantic and transpacific flights quoted at AA.COM for travel on by AA as well as on AA's codeshare flights on BA, IB, JL, CX, and perhaps others.

Consumers are harmed by AA's misrepresentations as detailed herein. A consumer seeing the low \$41 price on outbound travel is induced to seek, in vein, for a comparable return flight. A consumer who flies the outbound segment and later seeks to refund, change or cancel the return segment rightly expects a large residual value to be provided as a refund or credit for future travel, but in fact such a consumer will find such value unavailable.

In attempting to think through consumer response to the AA practices detailed herein, I asked myself why AA puts the entire carrier-imposed surcharge in the *return* component of a round-trip. What would happen if the entire carrier-imposed surcharge was instead placed in the outbound component? This question reveals the reason or AA's approach: Putting the entire surcharge in the outbound component would scare consumers away – inducing consumers to look elsewhere, since it would seem AA has an unreasonably high fare. Thus, we see the importance of intermediate fare quotes in influencing consumer behavior – and correspondingly, we see the deceptiveness of the approach AA has chosen.

I appreciate your attention to this matter, and I would be pleased to assist further to the extent of my ability. Please let me know if I can be of service.

Regards,

Benjamin Edelman

**2. Choose Flights**

Select a Departure Flight, then Click CONTINUE to Select a Return Flight.

Select a flight number to view Flight Performance Information.

Search alternate dates?

		Departure									
		Wed Feb 15 from \$41									
		Departure Fares per person, in US Dollars (USD), based on Round-Trip purchase, additional taxes and fees will apply.									
		Sort By: # of Stops									
				Economy Super Saver	Economy Saver	Economy Flexible	Premium Economy	Instant Upgrade	Business Special	Business Flexible	First Special
AA Non-Stops	Departure	Arrival									
AA 156	08:55 AM BOS	08:55 PM LHR	\$41	\$914	\$1104	Not Available	Not Available	\$1372	\$3749	Not Available	
Flight Details											
AA 6175	08:15 AM BOS	07:30 PM LHR	\$41	Not Available	\$1132	\$1644	Not Available	\$2218	\$5954	\$5424	
Operated by British Airways											
Flight Details											
AA 6163	05:50 PM BOS	05:15 AM LHR	\$41	Not Available	\$1132	\$1644	Not Available	\$2218	\$5954	\$5424	
Operated by British Airways											
Flight Details											
* Overnight flight or connection											
AA 108	07:10 PM	07:05 AM	\$41	\$914	\$1104	Not	Not	\$1372	\$3749	Not	

FEEDBACK

Departure Wed Feb 15: \$41 Details  
 Return Wed Feb 22: \$458  
 Selected Fare \$499

Select a flight number to view Flight Performance Information.

Back 3 Days	Sun Feb 19 from \$478	Mon Feb 20 from \$458	Tue Feb 21 from \$458	<b>Return</b> Wed Feb 22 from \$458	Thu Feb 23 from \$478	Fri Feb 24 from \$478	Sat Feb 25 from \$493	Next 3 Days		
Return Fares per person, in US Dollars (USD), based on Round-Trip purchase, additional taxes and fees will apply.										
Sort By: # of Stops			Economy Super Saver	Economy Saver	Economy Flexible	Premium Economy	Instant Upgrade	Business Special	Business Flexible	First Special
AA Non-Stops										
6164	11:20 AM	01:45 PM	\$458	Not Available	\$1550	\$2062	Not Available	\$2735	\$6471	\$5942
Operated by British Airways										
Flight Details										
109	09:55 AM	12:35 PM	\$458	\$1332	\$1522	Not Available	Not Available	\$1890	\$4267	Not Available
Operated by British Airways										
Flight Details										
6166	04:05 PM	06:35 PM	\$458	Not Available	\$1550	\$2062	Not Available	\$2359	\$6214	\$5942
Operated by British Airways										
Flight Details										

FEEDBACK

**American Airlines** MR. BENJAMIN EDELMAN EXECUTIVE PLATINUM Mileage Balance: 2,150,838 Miles

Reservations | Travel Information | Travel Deals | AAdvantage | Products & Gifts | Business Programs | About Us

Find Flights | Choose Flights | **Travelers** | Trip Options | Review & Pay | Finish

### 3. Travelers

**Boston to London**  
1 Adult  
Wednesday February 15, 2012 – Wednesday February 22, 2012

**Your Trip Cost: \$697.10 USD**  
\*Taxes & Fees Included

#### Flight Information

Flight	Depart	Arrive
<b>AMERICAN AIRLINES</b> 	<b>Boston (BOS)</b> February 15, 2012 08:55 AM Travel Time : 7 h 0 m Cabin Class : Economy Seat : unassigned	<b>London (LHR)</b> February 15, 2012 08:55 PM Booking Code : O Plane Type : 757
<b>AMERICAN AIRLINES</b>  <small>Operated by British Airways</small>	<b>London (LHR)</b> February 22, 2012 11:20 AM Travel Time : 7 h 25 m Cabin Class : Economy Seat : unassigned	<b>Boston (BOS)</b> February 22, 2012 01:45 PM Booking Code : O Plane Type : 777

Average Departure Fare	\$41.00
Average Return Fare	\$458.00
<b>Departure Fare</b>	
Adult	\$441.00
<b>Return Fare</b>	
Adult	\$458.00
<b>Taxes &amp; Fees</b>	
Adult	\$198.10
<a href="#">Price and Tax Information</a>	
<b>Flight Subtotal</b>	<b>\$697.10</b>

Reservations | Book Flights | Choose Flig... +

http://www.aa.com/reservation/matrixFlightSearchResultsAccess.do?v\_aadvNum=15M0C98&v\_aadvTI

**American Airlines** Home | Logout | My Account | English | Contact AA | FAQ Search AA.com ... GO

MR. BENJAMIN EDELMAN EXECUTIVE PLATINUM Mileage Balance: 2,150,838 Miles

Reservations Travel Information Travel Deals AAdvantage Products & Gifts Business Programs About Us

Find Flights Choose Flights Travelers Trip Options Review & Pay Finish

**2. Choose Flights**

Select a Departure Flight, then Click CONTINUE to Select a Return Flight. [Print Version](#) [ESPAÑOL](#)

Select a flight number to view Flight Performance Information. [Search alternate dates?](#)

Back 3 Days Sun Feb 19 from \$88 Mon Feb 20 from \$57 Tue Feb 21 from \$57 **Departure Wed Feb 22 from \$57** Thu Feb 23 from \$57 Fri Feb 24 from \$88 Sat Feb 25 from \$110 Next 3 Days

Sort By: # of Stops

Departure Fares per person, in US Dollars (USD), based on Round-Trip purchase, additional taxes and fees will apply.

AA Non-Stops	Departure	Arrival	Economy Super Saver	Economy Saver	Economy Flexible	Premium Economy	Instant Upgrade	Business Special	Business Flexible	First Special
AA 6164 Operated by British Airways <a href="#">Flight Details</a>	11:20 AM LHR	01:45 PM BOS	\$57	Not Available	\$814	\$1313	Not Available	\$1004	\$4262	\$4368
AA 109 <a href="#">Flight Details</a>	09:55 AM LHR	12:35 PM BOS	\$57	\$810	\$1042	Not Available	Not Available	\$1004	\$3589	Not Available
AA 6166 Operated by British Airways <a href="#">Flight Details</a>	04:05 PM LHR	06:35 PM BOS	\$57	Not Available	\$814	\$1313	Not Available	\$1004	\$4262	\$4368
AA 155 <a href="#">Flight Details</a>	06:00 PM LHR	08:45 PM BOS	\$57	\$810	\$1042	Not Available	Not Available	\$1004	\$3589	Not Available
AA 6176 Operated by British Airways <a href="#">Flight Details</a>	07:15 PM LHR	09:40 PM BOS	\$57	Not Available	\$814	\$1313	Not Available	\$1004	\$4262	\$4368
AA with Stops	Departure	Arrival								
AA 101 <a href="#">Flight Details</a>	12:15 PM LHR	03:10 PM JFK	\$57	\$810	\$1042	Not Available	Not Available	\$1004	\$3589	Not Available
AA 1806 <a href="#">Flight Details</a>	04:35 PM LHR	06:05 PM BOS	\$57	\$810	\$1042	Not Available	Not Available	\$1004	\$3589	Not Available

[Learn More](#)

[-] FEEDBACK