

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

DISPLAY OF SEARCH RESULTS ON TICKET AGENT WEBSITES

NOTICE

This notice is intended to provide ticket agents operating internet flight-search tools with guidance regarding the display of search results when the carriers the agent carries on its flight-search tool do not offer any flights that meet the search parameters entered by a user (e.g., specific airports to be used or a nonstop flight request). This guidance will be used by the Office of Aviation Enforcement and Proceedings (Enforcement Office) in its compliance and enforcement activities associated with 49 U.S.C. § 41712, which prohibits unfair and deceptive practices.

Many ticket agent websites allow consumers to use certain criteria to search for and compare flight options from multiple carriers. The websites ordinarily produce a list of suitable flights available from carriers whose flights are covered by the flight-search tool. If the carriers whose flights are available in the flight-search tool have no flights matching the consumer's criteria, the ticket agent's website generally returns a message indicating that no flight is available. Ticket agents are not required to include flights from all airlines in online search results so some consumer searches may return no results even though some airlines whose flights are not listed on the agent's website may offer flights matching the consumer's criteria. In such a case, the specific language of the message received by the consumer is important and potentially unfair or deceptive if it would lead a reasonable consumer to believe that no flights exist that meet the desired parameters.

Specifically, if an airline not marketed by a ticket agent offers a flight matching a consumer's search criteria, the Enforcement Office will consider to be unfair or deceptive any search-result message from the ticket agent stating or implying that no flight exists that matches such criteria. The following are examples of language that, without additional qualification, will be considered unfair or deceptive if an airline not marketed by the ticket agent offers a flight matching the consumer's search criteria: "no flights are available," "no nonstop flights are available," "no flights match your search criteria," and "no results were found." A ticket agent could lawfully use such language only when no airline—including those not covered by the online search—offers a flight matching a consumer's criteria.

The Enforcement Office would not consider to be unfair or deceptive a message making clear that the ticket agent only displays search results from airlines that it markets and that a search producing no results does not necessarily mean that other airlines do not offer flights matching the search criteria. For example, the following language would not be unfair or deceptive: "no flights are available from the airlines we search," "no nonstop flights are available from airlines covered by this website," "no flights offered by airlines included on our website match your search criteria," or "a search of the airlines listed on this website [include hyperlink to list of

airlines covered] yielded no results.” Such a response is acceptable even if an airline not marketed by the ticket agent offers flights matching a consumer’s search criteria.

The Enforcement Office will give ticket agents 90 days from the date of this notice before pursuing enforcement actions under 49 U.S.C. § 41712 relating to the matters discussed here. Questions regarding this notice may be addressed to the Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave SE, Washington, DC 20590.

By:

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

Dated: August 19, 2013

An electronic version of this document is available at
www.dot.gov/airconsumer.