



**Malaysian  
Aviation Commission**  
*Suruhanjaya Penerbangan Malaysia*

# *Guidance On* **ADVERTISEMENT OF AIR FARE**

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**Malaysian  
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## PART A: OVERVIEW

### 1. Background

#### *Purpose and policy objective of the Guidance*

1.1 The Commission is mandated by the Malaysian Aviation Commission Act 2015 [Act 771] to promote competition and consumer protection in the civil aviation industry.

1.2 This Guidance is intended to provide guidance to airlines in the implementation of paragraph 3(2) of the Malaysian Aviation Consumer Protection Code [MACPC] to ensure a level competitive environment for airlines and to safeguard consumers against false, misleading, or deceptive advertisements of air fares.

#### *Legal framework and applicability of the Guidance*

1.3 Paragraph 3(1) of the MACPC requires airlines to publish an all-inclusive price of the air fare at the point of advertisements which consists of the following:

- (a) the base fare, including all charges payable to the airline;
- (b) any government-imposed taxes and fees;
- (c) any fees and charges prescribed under any written law;
- (d) fuel surcharge; and
- (e) such other fees or charges as determined by the Commission to be imposed on consumers by providers of air services.

1.4 Paragraph 3(2) of the MACPC requires that the advertisement shall not be false, misleading or deceptive.

1.5 The Commission shall assess airline advertisements in accordance with paragraphs 3(1) and 3(2) of the MACPC by reference to this Guidance.

1.6 This Guidance applies to airlines.

1.7 This Guidance covers advertisements that are communicated through print, broadcast, digital, or any other means, regardless of form or medium. This includes but is not limited to, digital interactive media, direct mail, electronic messaging, television, radio, telemarketing, social media, mobile applications, websites, podcasts, streaming services, and any emerging digital or social platforms.

1.8 This Guidance is not exhaustive, and the examples are for illustrative purposes only. The Commission may revise this Guidance from time to time to take into account developments in consumer protection and the civil aviation industry.

1.9 The parameters for advertisements of air fare are detailed in part B of this Guidance.

## **PART B: GUIDANCE ON ADVERTISEMENT OF AIR FARE**

### **2. General Guidance**

2.1 Advertisements must not be false, misleading, or deceptive, or be likely to be so.

2.2 Advertisements must not mislead consumers by omitting or hiding material information. Advertisements must not be presented in an unclear, unintelligible, ambiguous, or untimely manner.

2.3 Advertisements must not claim products or services are available unless airlines can guarantee the provision of the said products or services.

2.4 Advertisements must be presented clearly to enable consumers to identify the terms and conditions of the offer including stating any limitations and qualifications.

2.5 Airlines must demonstrate good practice in their advertising of air fare with a sense of responsibility to consumers.

2.6 Advertisements must not be so framed as to abuse the trust of or exploit consumers who are vulnerable and lack experience or knowledge.

2.7 Airlines must provide data, statistics, information or documents in the form and manner as determined by the Commission for advertisements published in all communication channels when required in accordance with paragraph 21 of the MACPC.

### Disclosure of air fare

2.8 All quoted air fare in advertisements shall consist of base fare including all charges payable to the airline, and any government-imposed taxes and fees, any fees and charges prescribed under any written law, fuel surcharge, as well as such other fees or charges as determined by the Commission to be imposed on consumers by providers of air services.

2.9 For consistency and clarity, terminology for all fees, charges, taxes, surcharges, etc. used in advertisements should correspond with the terminology in air tickets. (For example, “MAVCOM fee” should be substituted with “Regulatory Service Charges”).

Illustration:

The illustration shows a travel advertisement for 'Exotic Bali Island'. The ad features a large red 'X' in the top left corner, indicating it is incorrect. The main title is 'Exotic Bali Island' above a photo of a Balinese temple. Below the photo, the text reads: 'BASE FARE FROM RM500 ONE WAY'. To the right, it lists 'BOOKING PERIOD: • Now - 31 May 2024' and 'TRAVEL PERIOD: • 1 September - 30 November 2024'. At the bottom, it says 'more information : www.airline.com'. A red arrow points from a text box on the right to the 'BASE FARE FROM RM500' text.

Airlines are not permitted to publish only base fare in advertisements. Airlines must publish all-inclusive fares in accordance with paragraph 3(1) of MACPC

Illustration:

The illustration shows a promotional flyer for an airline. At the top left, there is a red circle with a white 'X' inside, indicating a problem or error. The flyer has a dark blue background with a snowy mountain range. The headline 'Make Your Trip Memorable' is written in a yellow, cursive font. Below the headline, there are four categories of travel: 'Honeymoon', 'Family Holiday', 'Study Tour', and 'Solo Trip', each with a corresponding image. The 'Honeymoon' category shows a couple in a hot air balloon. The 'Family Holiday' category shows a family of four. The 'Study Tour' category shows a group of students. The 'Solo Trip' category shows a person. Below these categories, there are two sections: 'Domestic' and 'International'. The 'Domestic' section states 'All in one-way fare from RM25'. The 'International' section states 'All in one-way fare from RM499'. A red arrow points from the 'Domestic' section to a text box on the right. Below the fare sections, there is a note: 'Include airport taxes, MAVCOM fee, surcharges and any applicable fees T&C apply'. To the right of this note is a blue circular badge that says 'UP TO 30% PROMO'. At the bottom, there is a booking period: 'Booking period: Now - 15 June 2024' and a travel period: 'Travel period: 1 October 2024 - 15 December 2024'. A small airplane icon is at the bottom right.

Airlines should not substitute "Regulatory Service Charges" with "MAVCOM fee" and "Passenger Service Charges" with "Airport taxes"



## Seat availability

2.10 Airlines must not mislead consumers as to the availability of seats as advertised.

2.11 The available seats must be sufficient to meet the anticipated demand consistent with the advertisements.

2.12 The advertised seats must be available at the time the advertisements commence, and the advertisements must cease once the seats are no longer available for sale.

Illustration:



The illustration shows a promotional advertisement for a flight. At the top left, there is a red circle with a white 'X' inside, indicating a warning or error. The main text of the advertisement includes 'TIME TO TRAVEL' at the top, followed by '30,000 SEATS' in large, bold, white letters on a blue background. Below this, it says 'RM69 all in'. Further down, it reads 'LAST CHANCE TO GRAB' and 'Fly from Kuala Lumpur to Singapore'. At the bottom, it says 'BOOK NOW' and 'TRAVEL from 1 January to 31 March 2025'. A blue suitcase is shown on the right side of the advertisement. A red arrow points from a text box on the right to the '30,000 SEATS' text. The text box contains the following text:


Airlines must not mislead consumers about the number of seats available for sale at the advertised air fare

### One-way or round-trip

2.13 Airlines are allowed to advertise air fare for one-way (a journey from one destination to another destination in one direction) or round-trip (a journey from one destination to another and return).

2.14 However, the advertisement must state clearly whether the advertised air fare is a one-way or round-trip journey and include full disclosure on air fare.

Illustration:



The illustration shows a travel advertisement on a blue background. At the top left is a red circle with a white 'X'. The central graphic features a globe with several world landmarks: the Eiffel Tower, the Statue of Liberty, Big Ben, and the Colosseum. Below the globe, the text 'FLY WITH JOY' is written in orange. Underneath that, 'ONLY RM50' is written in large blue letters, with 'ALL IN' in smaller text below it, and 'IN ECONOMY CLASS' in blue letters at the bottom of a dashed red box. A red arrow points from a text box to this dashed box. Below the dashed box, the text 'KOTA KINABALU, MIRI, KUCHING' is written in white. Further down is a white button with 'BOOK NOW' in blue. Below the button is the website 'WWW.AIRLINE.COM' in white. At the very bottom, in small white text, it says 'Travel period: Now to 15 November 2024'.

Advertisement does not specify whether the air fare is for a one-way or round-trip flight

### Points of origin and destination

2.15 Advertisements must clearly indicate the point of origin and point of destination between which the advertised air fare is applicable.

2.16 Advertisements that promote more than one destination must set out clearly the key information and the air fare relating to each destination in such a way that consumers can distinguish between the air fares for the different destinations.

Illustration:

The illustration shows a yellow advertisement for travel. On the left, there are three destination images: Bali (a temple by a lake), Sydney (the Opera House), and London (Big Ben). Each image has its name written below it in green. To the right of these images is a large yellow box with a red dashed border. Inside this box, the text 'TRAVEL FROM RM888' is written in large, bold, white letters. Below this, in smaller text, it says 'Return trip'. At the bottom of the yellow box, it says 'Book by 31 August 2024 at abc.com or at ABC mobile app'. A red 'X' in a white circle is in the top left corner of the advertisement. Two red arrows point from callout boxes to the advertisement. The first callout box says 'The point of origin is not specified in the advertisement.' The second callout box says 'Advertisements that do not accurately represent the air fares of each advertised destinations are false, misleading, and deceptive.'

### *Disclaimer or qualifying information*

2.17 Disclaimer is any statement that informs consumers about the limits or conditions of advertisements.

2.18 Any disclaimer or qualifying information included in advertisements must:

- a) be prominent, visible and presented in such a way as to ensure consumers are made aware, before making a purchase, of conditions likely to affect their decision to purchase;
- b) be placed as closely as possible to the main message of the advertisements;
- c) be worded in language that is understandable to the intended consumers;
- d) not be obscured by images, graphics or text; and
- e) not contradict the advertisement.

2.19 Airlines must ensure that all key terms and conditions are disclosed to the consumer before the purchase of a ticket, in accordance with paragraph 7 of the MACPC.

Illustration:



The illustration is a travel advertisement. At the top left, there is a red circle with a white 'X' inside. The main text reads 'The Fantastic Weekday TRAVEL'. Below this, it says 'BOOK FLIGHT TICKETS AT LOW PRICE'. A circular badge in the center says 'SPECIAL 50% OFF OFFER'. At the bottom left, it says 'FLY FROM KUALA LUMPUR TO JAKARTA RM 311'. At the bottom of the ad, there is a small line of text that is obscured by a graphic shadow. Two red arrows point to this area from the right.

Small font size and hazy colour, making it difficult to read

The disclaimer is obscured by a graphic shadow

### Use of words such as “free”

2.20 Advertisements must not use the words “free”, “without charge” or similar descriptions where there are any payments that have to be incurred by the consumer. Where such payments need to be made, consumers must be made clearly aware of all the payments involved. (For example, government-imposed taxes, etc.)

2.21 In making a “free” offer that is conditional on the purchase of other products or services, consumers must be made clear of the air fare that will be incurred and any other relevant details for the consumer’s consideration.

2.22 Increasing the airfare of the first (paid) ticket to cover the second (free) ticket is misleading and deceptive.

Illustration:



The illustration shows a dark blue rectangular advertisement. At the top left, there is a red circle with a white 'X' inside. Below this, the word 'FREE' is written in large, orange, sans-serif capital letters. A dashed white line encloses the word 'FREE'. Below 'FREE', the text '1 MILLION SEATS' is written in large, white, sans-serif capital letters. Below this text is a white airplane flying towards the viewer. Below the airplane, the text 'Kota Kinabalu, Kuching, Jakarta, Bangkok, and many more' is written in a smaller, white, sans-serif font. Below this text is a white button with the text 'KNOW MORE' in a smaller, white, sans-serif font. At the bottom of the advertisement, the text 'WWW.AIRLINE.COM' is written in a small, white, sans-serif font. A red arrow points from the text box on the right to the word 'FREE' in the advertisement.

The use of word 'free' is not permitted when there are applicable fees and charges that consumer needs to pay.

Illustration:



Advertisement does not clearly indicate the air fare that will be incurred and other relevant details for the consumer's consideration.

### Specifications of visual

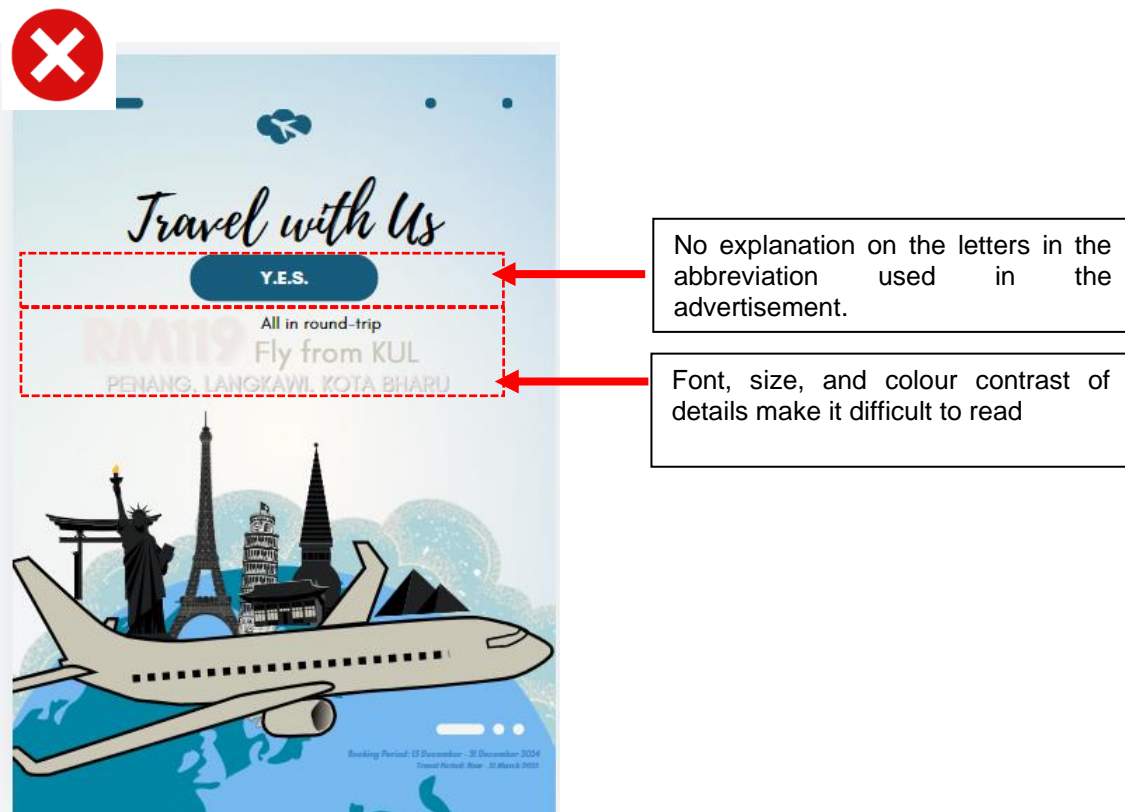
2.23 The contents of any advertisement should be clear having regard to the dimensions or size of the form, medium or device used.

2.24 Advertisements which contain any abbreviations or acronyms must clearly state what the letters mean (For example, Y.E.S – Year End Sale, etc).

2.25 Advertisements must be sufficiently clear in relation to the image of the main message. This includes the appropriate contrast to avoid difficulty in reading the message (For example, light-on-light colour combinations).

2.26 Small print or footnotes in advertisements must be clearly legible.

Illustration:



The illustration shows a travel advertisement with a light blue background. At the top, it says "Travel with Us" in a cursive font. Below this, there is a blue button with "Y.E.S." in white. Underneath the button, it says "All in round-trip" and "RM119" in large, bold, pink letters. Below "RM119", it says "Fly from KUL" and "PENANG, LANGKAWI, KOTA BHARU" in smaller, grey letters. At the bottom, there is a white airplane flying over a globe, with various world landmarks (Statue of Liberty, Eiffel Tower, Leaning Tower of Pisa, Big Ben, Pyramids) on its wings. A red 'X' icon is in the top left corner. Two red arrows point from text boxes to the advertisement: one points to the "Y.E.S." button, and the other points to the "RM119" and "Fly from KUL" text.

No explanation on the letters in the abbreviation used in the advertisement.

Font, size, and colour contrast of details make it difficult to read



### Blackouts and time limit period

2.27 Advertisements must accurately state the duration during which the products or services will be provided at the advertised air fare. (For example, the start and/or end date applicable to the availability period at the advertised air fare).

2.28 Advertisements must disclose the specific “blackout dates” where products or services are not available within the published promotional period.

2.29 Airlines must not make changes to any dates stated in the advertisements (For example, travel period and blackout dates).

Illustration:



Advertisement does not explicitly specify blackout dates nor describes accurately that the promotional air fare only runs for a limited period of time

*Use of words such as “all” and “everything”*

2.30 Advertisements that use words such as “all” and “everything” or similar descriptions must be avoided unless the air fares apply to all the flight destinations described in the advertisements. (For example, “30% discounts to all domestic destinations” should not be used when some of the destinations are excluded from the promotional air fare.)

Illustration:



The illustration shows a travel advertisement with a group of four people (two women and two men) standing on a rocky cliff overlooking the ocean. The text on the advertisement reads: "20% OFF", "guaranteed", "ALL SEATS, ALL FLIGHTS", "START FROM", and "RM50". A red dashed box highlights the phrase "ALL SEATS, ALL FLIGHTS". A red arrow points from a text box on the right to this phrase. A red circle with a white 'X' is in the top left corner of the advertisement.

The use of the word 'all' in air fare advertisements that exclude selected destinations or seat categories (i.e. business class) from the advertised airfare is prohibited.

## *Cancellation or route cessation*

2.31 Advertisements must not include any destinations or flights that the airline plans to cease or cancel.

## **Glossary**

1.	Act	Malaysian Aviation Commission Act 2015 [Act 771]
2.	MACPC	Malaysian Aviation Consumer Protection Code 2016
3.	Commission	Malaysian Aviation Commission
4.	Guidance	Guidance on advertisement of air fare
5.	Air Fare	As defined in the interpretation of MACPC
6.	Airline	As defined in the interpretation of MACPC
7.	Consumer	As defined in the interpretation of Act 771