

ASA Adjudication on Skytrax Research

Skytrax Research

29 Harley Street
London
W1G 9QR

Date:

7 November 2012

Media:

Internet (on own site)

Sector:

Business

Number of complaints:

1

Complaint Ref:

A12-196416

Background

Summary of Council decision:

Five issues were investigated, all of which were Upheld.

Ad

The Skytrax Research airline review website www.airlinequality.com, viewed in May 2012, provided an airline rating system and customer reviews for airlines and airports. Underneath the headline "Checked and Trusted Airline Reviews, in the world's largest airline review site" were links which stated "Over 5 million Trusted customer reviews and trip reports for 681 airlines and 725 airports" and "Official Quality Star Ranking(TM) for hundreds of airlines around the world". Clicking on the first link opened a page which stated "More than 5 million independent, traveller reviews and customer trip ratings ... REAL travellers with REAL opinions!" Clicking on the Quality Star Ranking link opened a page which stated "SKYTRAX introduced the World Airline Star Rating(R) programme in 2000 ... The Star Ranking programme operates in a real-time analysis format, to ensure that Airline Star Ranking levels

are constantly maintained and adjusted in accordance with changes made by an airline, be this to product or service standards - on average, each airline's Star Ranking is reviewed in depth every 2-3 months, and adjusted in accordance with the annual ratings". Links to various Star Rating categories were featured underneath. Clicking on the link entitled "The World's 5-Star Airlines(TM)" brought up a page which stated "TRADEMARK(TM) PROTECTION - The titles below are protected by Skytrax, and can only be used by a Registered 5-Star Airline with consent of Skytrax". The titles listed were "5 Star Airline", "5 Star Airlines", "Five Star Airline" and "Five Star Airlines".

Issue

KwikChex Ltd challenged whether:

1. the claims "Checked and trusted airline reviews" and "REAL travellers with REAL opinions!" were misleading and could be substantiated, because they understood that Skytrax did not verify the reviews on their website and therefore could not prove that they were genuine;
2. the claim "More than 5 million independent, traveller reviews and customer trip ratings" was misleading and could be substantiated;
3. the claim "Official Quality Star Ranking(TM)" was misleading, because it suggested that the ranking system was official and not the advertiser's own creation;
4. the claim "The Star Ranking programme operates in a real-time analysis format, to ensure that Airline Star Ranking levels are constantly maintained and adjusted in accordance with changes made by an airline, be this to product or service standards - on average, each airline's Star Ranking is reviewed in depth every 2-3 months, and adjusted in accordance with the annual ratings" was misleading and could be substantiated, because they understood that the website continued to display rankings for airlines which were no longer in business; and
5. the claim "TRADEMARK(TM) PROTECTION - The titles below are protected by Skytrax, and can only be used by a Registered 5-Star Airline with consent of Skytrax" and accompanying list were misleading, because they did not believe that those titles were trademarked.

CAP Code (Edition 12)

[3.13.7](#)

Response

1. Skytrax Research (Skytrax) responded that every review submitted to their website was subjected to a robust verification procedure before being published online. They explained that every user putting forward a review was required to provide their name, country of residence, the date on which they had used the service they were reviewing and their e-mail address, and that at that point a message was displayed stating that by submitting their comment they were confirming it was a genuine review and they did not work for the airline/airport in question.

Skytrax said every review then underwent a four-stage authentication process, whereby the user's stated location was matched to their IP address, a verification e-mail was sent to the address provided, the

language of the review was manually assessed to ensure it was not abusive, offensive or otherwise unfit for publication and finally trained staff members considered the contents against known facts about the airline/airport and previous user experience to ensure it appeared to be accurate. If at any point staff suspected that the review might not be genuine, they e-mailed the user for further clarification or deleted the review altogether. Skytrax said e-mail addresses were required for authentication purposes only and were always deleted 24 hours after the review had been submitted. On 3 October, they provided examples of reviews submitted to the site in the previous 24 hours which had been rejected because they had failed one or more of the authentication tests.

Skytrax stated that, as an additional layer of security, all staff members were encouraged to look at the reviews posted on the site and raise concerns if they noticed any which seemed to be misleading. They said in practice this led them to delete reviews from the site around two to three times per month. They said airlines were also able to contact them to discuss reviews which they did not believe were authentic, and that around two to three times per year a review was removed through this process because they were satisfied that the airline had demonstrated it was potentially misleading or inaccurate. In addition, they explained that once a week the reviews on the website were scanned by software which checked for duplication in content, user names and ratings, and IP addresses purporting to be from different users; an average of one to two reviews were removed every week as a result of issues highlighted by that software.

Skytrax believed that their review verification procedure was sufficiently robust to support their claims that they checked all reviews and that the comments featured on their website came from real travellers. They said they applied more controls and manual checking of reviews before publication than any other similar review site. They stressed that they were very concerned to maintain the credibility of the reviews and that they believed there was a high level of trust on the part of both users and airlines in that part of the website. They also pointed out that the existence of a false review on the website would not influence the airline's Star Rating, because that operated on different criteria; they therefore believed there was little interest in posting non-genuine content.

2. Skytrax stated that over 5.4 million traveller reviews and trip ratings had been submitted to their website since its inception in 1999. They explained that because of restrictions on their web space and other site management reasons they were unable to display all of those reviews, and that in 2007 they had taken the decision to limit reviews to a maximum of 10 pages for each airline, airport, etc. All reviews remained on the Skytrax database but were not accessible to the public; at any given point in time the Skytrax website would provide instant access to over 400,000 reviews. Skytrax pointed out that at the end of the tenth page of reviews, the user was shown a message which explained that older reviews had been archived. They said they had subsequently amended their claim.

Skytrax also commented that each airline or airport page contained a "score bar" which took account of reviews dating back to October 2010, when that system was introduced.

3. Skytrax explained that they had launched their original airline ranking programme in 1989, and that after detailed consultation with the airline industry the decision had been taken in 1999 to formalise that system. They said it was agreed at that time that the new programme would carry the description Official Airline Star Ranking, and several years later the Official Airport Star Ranking initiative was also launched. They stressed that the word "official" was selected and agreed by all parties in 1999 to reflect the fact that their rankings were authorised and issued authoritatively.

4. Skytrax stated that it had always been the case that each airline's Star Ranking underwent a major

review on a 12-monthly basis, and that that review might result in changes to the number of stars an airline was awarded. However, several years ago, in response to the increased pace of change in airline products, they introduced a system of internally reviewing each airline every two to three months, to ensure that aircraft upgrades and changes in service were picked up more quickly. They said it was not incorrect to state that the Star Ranking programme operated "in a real-time analysis format" and that "Airline Star Ranking levels are constantly maintained and adjusted in accordance with changes made by an airline" because Skytrax would undertake an internal review of an airline's Star Ranking as soon as they became aware of significant changes to its product or services.

With regard to the fact that their website displayed Star Ranking data for some airlines which were no longer in business, Skytrax said this was done because colleges and students of the aviation business often requested that such historical information was maintained wherever possible. They pointed out that, when an airline had ceased trading, the relevant page of the website carried a qualification to alert consumers to that fact.

5. Skytrax declined to provide evidence demonstrating that the titles "5 Star Airline", "5 Star Airlines", "Five Star Airline" and "Five Star Airlines" were trademarked.

Assessment

1. Upheld

The ASA considered that, in order to justify the claims of authenticity made in the ad, Skytrax needed to demonstrate that they took all reasonable steps to ensure that reviews were checked, trusted and made by "real" people with "real" opinions.

We understood that Skytrax had a system in place by which every review submitted to the site should be checked carefully for authenticity before it was published online. We noted that that system involved a number of processes, and that if at any point staff had reason to question whether a review was genuine they would either ask for more information from the user or delete the review altogether. We also noted that concerns about published reviews would occasionally be raised by other members of staff or airlines, or by the weekly duplication checks, and that Skytrax had a procedure for dealing with those incidents.

We considered that, if followed correctly, the approach of assessing every review individually before accepting it for publication, including subjecting it to manual checks by members of staff, was a robust one likely to identify the vast majority of non-genuine reviews submitted, and that the additional checks carried out by other members of Skytrax staff would provide a further layer of security on that issue. We considered that the average consumer would view the general balance of the reviews on the site as being helpful but would not take the claims "Checked and trusted reviews" and "REAL travellers with REAL opinions!" so literally as to constitute a guarantee that every individual review was certain to be authentic. We also noted that the reviews did not impact upon an airline's Star Rating, although they did contribute to its "score bar", which was an amalgamation of user ratings displayed at the top of the airline page.

We considered that Skytrax had described a rigorous authentication process with a number of checks and balances which, if consistently implemented, would be likely to successfully identify most false reviews submitted. We acknowledged the evidence provided on 3 October by Skytrax, which demonstrated that a number of reviews had been rejected in the previous 24 hours because they had not passed the

verification system. However, because Skytrax deleted user information soon after receiving a submission, they were not able to provide evidence demonstrating that the reviews which existed on the site at the time of the complaint had been subjected to, and passed, that procedure. We noted that KwikChex Ltd had raised concerns over a number of false reviews which they said had been accepted onto the site, in some cases without verification e-mails having been received. Skytrax were unable to fully investigate those reviews, or other historical reviews on the site, or to demonstrate that verification e-mails had been sent, because the user details had been deleted.

Because Skytrax did not have the ability to track a review back to its source after the first 24 hours, and therefore could not demonstrate the verification process to which any one particular review on the site had been subjected, we concluded that they did not hold sufficient evidence to substantiate the claims "Checked and trusted airline review" and "REAL travellers with REAL opinions!".

On that point, the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

2. Upheld

We understood that since 2007 Skytrax had imposed a 10-page limit for the number of reviews which would be displayed, and that at the bottom of the tenth page the website did state that older reviews had been archived. Whilst we acknowledged that that had been done for technical reasons, we considered that most consumers reading the claim "More than 5 million independent, traveller reviews and customer trip ratings" would understand that they would be able to access that many reviews on the website. Because the true number of reviews available on the Skytrax website was limited to around 400,000, we concluded that the claim "More than 5 million independent, traveller reviews and customer trip ratings" was misleading and unsubstantiated.

On that point the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

3. Upheld

We understood that the term "Official Quality Star Ranking(TM)" referred to each airline or airport's individual ranking in the Official Airline Star Ranking and Official Airport Star Ranking programmes. We acknowledged Skytrax's assertion that they had launched those programmes together with the world airline (and later airport) industry, and that the term "official" had been approved for use by all parties. However, Skytrax did not provide any evidence to support that argument. We noted that the CAP Code required advertisers to hold documentary evidence to prove objective claims before they distributed them. Because we had not seen any evidence demonstrating that the term "Official Star Ranking(TM)" had been agreed at an industry-wide level, we concluded that it was misleading.

On that point the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

4. Upheld

We understood that in some instances the Skytrax website continued to display Star Ranking data for airlines which had ceased to trade, and that in those cases the airline page displayed text to that effect. We considered that that was an appropriate step to take in view of the fact that Skytrax wished to retain that information on their website.

However, we noted that we had not seen evidence to demonstrate the real-time analysis format of the Star Ranking programme or the frequency with which Skytrax carried out Star Ranking reviews. Because Skytrax had not provided substantiation on that point, we concluded that the claim "The Star Ranking programme operates in a real-time analysis format, to ensure that Airline Star Ranking levels are constantly maintained and adjusted in accordance with changes made by an airline, be this to product or service standards - on average, each airline's Star Ranking is reviewed in depth every two to three months, and adjusted in accordance with the annual ratings" was misleading.

On that point the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

5. Upheld

We noted that we had not seen evidence to demonstrate that the titles "5 Star Airline", "5 Star Airlines", "Five Star Airline" and "Five Star Airlines" were trademarked. Because Skytrax had not provided any substantiation on that point, we concluded that the claim "TRADEMARK(TM) PROTECTION - The titles below are protected by Skytrax, and can only be used by a Registered 5-Star Airline with consent of Skytrax" was misleading.

On that point the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

Action

The claims which breached the CAP Code must not appear again. We told Skytrax not to imply that the reviews on their site were checked, trusted and genuine unless they could provide substantiation to that effect. We also told them not to make claims regarding the number of reviews on their site and the frequency with which they reviewed airlines' Star Rankings or to state that titles were trademarked, unless they could provide evidence to substantiate those facts, and not to use the term "Official Quality Star Ranking (TM)" unless they could show that this programme had been created in co-operation with the airline industry as a whole.

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