

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Mokhele Makhothi
Advertiser	Comair Limited
Consumer/Competitor	Consumer
File reference	Kulula.com - Flight Specials - Mokhele Makhothi - 26-11-18
Outcome	Voluntary undertaking
Date	7 February 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Mokhele Makhothi against the online advertising of Kulula.com.

Description of the advertising

Kulula.com's website advertised flights from Cape Town to Johannesburg "from R465.86".

Complaint

When the Complainant clicked on this advertised special, the lowest fare available for December 2018 turned out to be R695,86. The Complainant argued that this is false advertising, and if it is a limited promotion, the day and the number of seats should be mentioned upfront.

Response

Comair placed on record that it is not a member of the Advertising Regulatory Board (ARB) and it did not agree to submit to the jurisdiction of the ARB. It submitted, however, that it would like to co-operate with the ARB and provide a response to this complaint.

The Black Friday deals marketed on 23 November 2018 were for specific travel periods as per the email communication and the Black Friday campaign page, i.e. for travel from 14 January 2019 to 28 February 2019. The links to the promotion page containing the information were available from the kulula.com home page, social media channels and direct marketing emailers.

From the screenshot provided by the Complainant, it is evident that the Complainant was viewing the December Kulula fare calendar and not the January calendar to which the sale fares applied. The Complainant was therefore not looking at the fare calendar that applied to the sale period.

Comair also pointed out that the advertising and website content applicable to the Black Friday Sale has been removed from its website platform and will not be used again.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Misleading claims – Clause 4.2.1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The main objective of the Advertising Regulatory Board is to protect consumers from advertising that contravenes the Code of Advertising Practice. In the vast majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the advertiser explained that the advertised low fare between Cape Town and Johannesburg applied to the period from 14 January 2019 to 28 February 2019, and that this information was communicated on the kulula.com home page, social media channels and direct marketing emailers. The Advertiser provided the original advertising material, which does clearly reflect these dates. The promotion did not apply to the period viewed online by the Complainant, i.e. December 2018.

The Advertiser also submitted that the advertising has been removed and will not be used again.

It first of all appears *ex facie* that the complaint arose out of an error in relation to the Complainant's understanding of when the advertised deals applied. In any event, the Advertiser has stated unequivocally that the relevant advertising will not be used again. The ARB Directorate is therefore satisfied that the matter can be considered closed.