Spirit Airlines Fined for Inadequate Disclosures in Twitter and Billboard Ads

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The U.S. Department of Transportation ("DOT") fined Spirit Airlines $50,000 for violating federal aviation laws and DOT rules prohibiting deceptive advertising. DOT rules require, among other things, that government-imposed taxes and fees be clearly disclosed in the advertisement even if stated separately from the advertised fare. At issue were Twitter messages that Spirit Airlines sent, as well as billboards and posters that Spirit Airlines used. DOT rules require that for fares advertised on the internet, which would include Twitter, the taxes and fees should be disclosed through a prominent link next to the fare stating that taxes and fees are extra, and the link must take the viewer directly to information where the type and amount of taxes and fees are displayed. The problem with Spirit Airlines' Twitter messages – which announced $9 one-way fares – was that the advertised fare in the Twitter message did not include all taxes and fees (nor did it include the fact that a roundtrip purchase was required). Such information was only fully disclosed after the viewer clicked not one, but two links – the first took the viewer to Spirit's website, and the second took the viewer to the bottom of the webpage where the specific amount of taxes and fees was disclosed. Spirit also advertised fares on billboards and posters with an asterisk next to the fare, which led to small print stating that additional taxes, fees, and conditions applied. The problem with these ads was that there was no disclosure as to the type or amount of those taxes and fees, which DOT rules require. For further information, please see the DOT press release: http://www.dot.gov/affairs/2011/dot15211.html.