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**Key Travel Tips:**

- When booking a Package holiday always:
- Make sure that you receive your confirmation invoice - does it come from one company?
- Are you paying one price - or are you paying for your holiday with different charges?
- How many terms and conditions do you have?
- If you deal with more than one company, pay more than one invoice for the holiday, and have several companies terms and conditions, it will be argued that you have a DIY Package Holiday, and therefore probably no consumer protections!

June 2007

Issue 5

**One Year On!**

When the founder of HolidayTravelWatch, Brenda Wall, was diagnosed with cancer, many predicted the demise of this organisation. Many observers had failed to recognise two simple facts; firstly, we had become an integral part of the travel industry, and secondly, we became the consumer conscience of corporate activity. Brenda would have rejoiced at the launch of this Travel-Zine; it would have represented for her, the beginning of her mission to 'speak to the masses'. During the first year of its publication, 'Get'AWay' has written extensively on a wide range of consumer issues. Our principal campaign has been to highlight the perilous gallop toward reducing the effects of the Package Travel Regulations. The disingenuous contractual chicanery, to 'redefine' what constitutes a package holiday, now results in a disproportionate risk for ordinary travellers when things go wrong. On the one hand we have a contract which is worthless and unfulfilled, on the other, the travel provider enjoying profits without any apparent risks. This last year has seen no let up in the fall in stan-

dards within holiday contracts. We have recorded sharp rises in the number of complaints recording a poor return of service, for example, passing the buck when things go wrong, agents using pseudonyms instead of their real names causing difficulty when disputes arise, and problems of contact, notably found within the bucket airline industry. Illness is never far from the surface. The shocking fall in standards has resulted in mass Diarrhoeal incidents, Norovirus, with one hotel reportedly displaying four notifiable diseases in returning holidaymakers. The recent shocking case of Salmonella within a group of holidaymakers, has resulted in a 3 year old girl and her Father being hospitalised, she is now suffering with a continuation of the disease, and a prolapsed bowel! We have highlighted the concerns on Travel Insurance sales, providing input to The Treasury and The Select Committee. Concern on the safety of kids clubs is timely and longstanding, and our latest series of articles raises important safety questions on neurotoxins in aircraft. The travel industry in



**Support the Campaign!  
Sign the Petition!**



wisdom seeks then to 'buy off' holidaymakers by 'investigating' their claims - one holidaymaker accepted £600 for each of his sons, suffering with Campylobacter, without court approval! These disgraceful examples only give proof to the fact that our service remains as vital as ever!

**Inside this issue:**

To Package or Not to Package? The Consumer Experience	<b>2</b>
Are You Ready for Court?	<b>3</b>
NeuroToxins In The Air?	<b>4 &amp; 5</b>
HolidayTravelWatch Clinic	<b>6</b>
Guest Article—The AeroToxic Association	<b>7</b>
How Green is Your Travel? The Flight Debate	<b>8</b>
Are Kids Clubs Safe? The Concern Remains!	<b>9</b>
End-Notes	<b>10</b>

## To Package or Not to Package? The Consumer Experience



***“Mr X has been advised on how to deal with his problem, but his scenario begs the question. How did politicians allow this state of affairs to arrive on ordinary people? Failure to act could mean failure to vote!”***

For over 18 months we have been reporting on the issues that affect the very foundations of the Package Travel Regulations. In our series of articles, ‘To Package or not to Package’, we have sought to highlight the very real threat to consumers rights, following the decision in *R v CAA*, and the change in how holidays are now booked by consumers. We have never advocated that an industry as diverse and innovative as the travel industry should not change the manner in which it sells its holidays, however, such changes should not be effected without the necessary consumer protections. We take the view that such protections are not just advantageous for the holiday-maker, but also for the tour operator as well. The concern expressed by the travel industry centres on the fact that in changing technologies, it appears that the more ‘traditional’ operator is bound by regulation and bonding requirements, whereas the airlines are not. We have already seen a boom in low cost air travel, and in another article in this Travel-Zine, we have discovered that such departures have increased by 7% over this last year. It must however be recognised that many of the mainstream tour operators, are also owners of some of the main charter airlines. Most of these so called ‘charter’ airlines have now re-invented themselves as low cost carriers, and some parent companies have now removed some flight elements of their service from packages, thereby negating the requirement for licensing under the

Air Tour Operators Licence (ATOL). This they argue, levels the playing field against the ‘airline’ only part of the travel industry. These changes are merely a symptom of a wider problem in that Government appears to be unwilling to confront the airline industry to introduce better consumer protections. The more cynical would suggest that a Government is not motivated to take direct action to incorporate part of an industry, into wider consumer protections, because of the benefit received from tax pounds. Whilst this may form part of the reason why the Government does not act, we think that there is a simpler reason. There is a trend amongst some European countries to shy away from increased regulation, believing that this will make us more competitive with other countries. In our last edition we highlighted the story of Mr X who went to Rome on a so called DIY holiday. When they arrived, they discovered that the hotel that they thought they had booked had in fact not been reserved. Out of a three day holiday, they lost one day trying to resolve the problem with their ‘tour operator’, and finding alternative accommodation for the remainder of their stay. They lost a precious days sightseeing, and it is clear that if they wished to revisit the sights missed, they will have to return for another week-end stay. Quite simply, they chose to book on the internet, because they believed that this would save them time and money. At the time of booking, they only

received one invoice, paid one price, and believed that they were purchasing a package holiday, albeit for one week-end. The truth was discovered when they returned to the UK. Following consultation with us, we determined that they had never been overtly advised that they were booking through an ‘agent’. Secondly, they never received a copy of their terms and conditions which would have clearly highlighted the issue of agency. They had booked with an ‘agent’; this ‘agent’ belongs to a very large and popular online retailer, with multi-levels of products, each connecting to other layers of company connections or other third parties. In their terms they state that they ‘operate on an agency model. This means that we act as a disclosed agent for third party suppliers, such as a hotel, tour operator or airline. What this means is that the contract for the product is between you and the supplier’. In Mr X’s case, this would mean that he would have had to pursue the hotelier for breach of contract in Rome, or does it? Within those same terms they state, ‘Where we act as agent this will mean that we have no contractual liability to you... however, we may still be liable to you if we have been negligent, we have misrepresented important information or have been in breach of any other relevant law’. Mr X has been advised on how to deal with his problem, but his scenario begs the question. How did politicians allow this state of affairs to arrive on ordinary people? Failure to act could mean failure to vote!

## Are you ready for Court?

In our last edition, we highlighted a holidaymakers experience of the Small Claims Court. In recent years, there has been much debate on the issue of the so called 'compensation culture'. This 'culture' is said to exist because of a politically correct elite, the actions of solicitors and so called 'claims farmers'. The clamour for this headline has led to the inevitable run of stories designed to highlight the 'indefensible' and to encourage sanity back to our nation! The Government is doing its part on controlling this 'evil', and has introduced measures designed to encourage parties to mediate, to resolve their claims without resort to litigation. In addition, the Government and Courts Service have introduced innovative methods of commencing a claim online. The full advantage can be seen through the large number of claims lodged following allegations of banks overcharging their customers. We take no issue with this course of action, however, it is important to recognise that there is a need to ensure that the system of quick resolution employed is fair to all parties involved in the process. Creating a simpler, cleaner, legal process should ensure that the participating parties are required to complete the same documentation, and where possible, one party should not be allowed to plead out their case in an incomprehensible, legalistic or stylised manner. If cases are pleaded in this way, then this automatically creates a disadvantage to an ordinary consumer, who, faced with such

documentation must surely wonder what they have gotten themselves into. Such processes are also designed to provide a cost effective solution to the parties. However, if a client becomes baffled by the culture of litigation, they are then further frustrated by the lack of access to either free or low cost legal assistance to fight their claims. The Government and the Courts must recognise that many Claimant's will not understand how to specifically plead or use authorities to argue their case. On that basis alone, they become disenfranchised from the very process that they have been encouraged to join. However, the issue of consumer frustration is not limited to the small claims court. The Association of British Travel Agents (ABTA) offer an Arbitration scheme through the Institute of Arbitrators. There is confusion between what is understood by Mediation and Arbitration. Mediation allows parties to meet and discuss their problem, finding a solution upon which they both agree. If they continue to disagree, then they have the option of court. Arbitration however is limited. It allows the parties to state their case in writing, and a suitably qualified Arbitrator will then decide on the resolution and publish their decision. The parties are then bound by the decision often not having the recourse to the courts, because of the rules laid down in the Arbitration scheme. We hear of holidaymakers who use the scheme, many who come to us report their disappointment as to its outcome.

We have noted that the holidaymaker will complete a proforma, but are allowed to add documents to prove their complaint. In every case we observed, the tour operator has clearly employed a solicitor to draft their response; this is usually set out in a 'court pleading' format. It should be remembered that Arbitration operates in a judicial context. Because it provides this role, it therefore assumes additional responsibilities, such as, the natural rules of justice, a right to a fair hearing. Mrs D pursued her case for damages through the ABTA scheme. She had contractual complaints about her hotel, but she also complained that illness was suffered. Once the parties had submitted their case, the Arbitrator decided that he could not deal with the illness part of the claim, and dismissed those allegations, but he then went on to consider the contractual complaints, and found the case not proved. The result to Mrs D was that she could not now forward her case to the County Court, because the rules of the scheme prevented her from doing so. It was clear that some of the issues complained of, were directly related to the illness part of the claim. We questioned how this Arbitrator interpreted the rules of the scheme, and what consideration did he give to Art 6 of The Human Rights Act? What should have been a relatively simple solution led to Mrs D having to seek legal assistance. The road to a 'quick' justice is not straight, how many more consumers have fallen by the wayside?



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# NeuroToxins in the Air?



***“It is clear, that passengers and crew are the modern day equivalent to lab rats, with only their noses available to detect the presence of something which has the potential to be harmful to health”.***

In our last edition, we discussed the issue of the potential for Carbon Monoxide to be present within aircraft cabins. This was raised by Mrs X who, along with her family and others, became ill on a British aircraft en-route to Florida. We discovered that the issue may not directly to the issue of Carbon Monoxide, but to a more serious issue, that being poisoning from Organophosphates. The majority of jet airliners provide for a reasonably comfortable passage to destinations around the world. To travel in that comfort, we require air to breathe, air that is controllable and a pressured environment to allow the aircraft to operate at its optimum level. The air that we breathe in aircraft cabins comes directly through the jet engine. The air is ‘bled’ from the engine into a complex system resulting in air conditioning on tap. The problem however does not flow from the air, but from the contaminants that are introduced within the engine. The operation of the jet engine requires not only fuel, but lubricating oils, just as you would expect in the running of a car. At high temperatures, the oil will vaporise, and where there is a defective seal within the ‘bleed’ system, this vapour will mix with the air which has been siphoned off for human consumption. As we have previously reported, the oils used in this process are highly specialised and contain a number of constituents, the most important of which are Organophosphates. The constituent product within this family that appears to be causing much

concern is Tri-Cresyl Phosphate (TCP). We have already established that this product can affect the neural system, and can have dire consequences for those exposed to this product. There is however a debate amongst scientists as to whether these products actually cause harm, many pointing to no definitive evidence of proof. However, there is also a sizeable body of opinion that suggest that the Neurotoxins encountered within aircraft cabins, are analogous to the cases of the Gulf War and Sheep Dipping Syndrome victims. On the 18 June 2007, we had the opportunity to join with, and support the formal launch of the AeroToxic Association. We had the privilege of meeting with those who had encountered years of illness, degradation and apathy from the authorities. One such victim, Mr O, told us that he had been a professional pilot, working for many years with a major airline. He told of the many smells, vapours, oil and chemical spills that he encountered on the flight deck, and became so ill he could not work. He then experienced what can only be described as ridicule and apathy following his claim that his illness was derived from his working conditions. He sought damages for wrongful dismissal, and faced the full force of the airlines litigation department. He encountered denial of documentation, allegations of theft, and was left with a partial victory in his claim for wrongful dismissal, the award of which has not been cashed. The effect on him and his family has been catastrophic in

that he continues to suffer with the effects of exposure, and with Post Traumatic Stress Disorder (PTSD). Another Pilot, Mr Z, told of his experience whereby he was not classed as suffering with a physical disorder, but rather a mental illness. We witnessed Pilots in varying states of illness, some of whom had difficulty in speaking because of their illness, which they claim originated from the leakage of oil contaminants into the air supply. During the course of the launch, we heard that whilst new generation aircraft were being fitted with new and separate air filtration systems, it was likely that many crew and passengers would have to fly within ‘old technology’ aircraft for the next 20 - 25 years. The implication being that this contamination of crew and passengers alike would continue. Remarkably we heard that this was not a difficult issue to resolve. There is a filtration system that could be fitted to current aircraft, which would apparently remove the risk of contamination. The cost per aircraft? £15,000.00! Tristan Loraine, the author of Toxic Free Airlines, was also a Pilot affected by this chemical exposure. He told of having witnessed passengers with paper placed in their nostrils because fumes on board his aircraft were present. He considered that where Pilots do report a fume event, passengers should also be informed of the nature of what they have experienced; and that the airlines should place follow up calls to passengers from the affected aircraft, to check on their health.

# NeuroToxins in the Air? (Contd)

Some say that this is a common sense approach, a corporately responsible response. However, we only know too well, large corporations will apply the process of deniability, after all seeking out a problem is likely to affect the bottom line! We noted in previous research, that since the early 1970's, small piston operated aircraft were required to install Carbon Monoxide detectors. No such detector is required on any modern jet aircraft, or for that matter, no detector is required to detect the presence of any other gas or vapour! It is clear, that passengers and crew are the modern day equivalent to lab rats, with only their noses available to detect the presence of something which has the potential to be harmful to health. So the question that arises is this; if the problem has been known for many years, why have we not seen reports from Pilots? The answer was simple and expressed by a Mr T. He advised that 'black smoke events' were considered to be the 'norm', they were not matters that they were encouraged to report. It appeared there was often a clash between the Pilots and the Engineers, the bottom line being, that such a report would effectively ground the aircraft, and this would have a serious financial effect on the airline! The issue of the lubricating oil is a curious matter. The association, and other commentaries refer specifically to Mobil Jet Oil II, as the product of principal concern. Tristan Loraine advised the meeting that this product could be removed from the

market completely and replaced with an equivalent product created by the French, however, it appears that the dominance of US/UK products makes the introduction of a safer product somewhat redundant. So what of our politicians, how have they responded to this issue? It appears that most political activity is taking place in The House of Lords. On 29 January 2007, The Countess of Mar requested whether risk assessments were required on operating aircraft, and what legislation guides safety. Lord McKenzie of Luton advised that The Management of Health & Safety at Work Regulations 1999 required UK based airlines to assess the 'risks to the health and safety of their employees and of others, such as passengers, affected by their work'. He advised however, that airlines were not required to submit risk assessments for examination, or to make them publicly available. He confirmed that the body charged with the task of applying health and safety duties was the Civil Aviation Authority (CAA). On 20 February 2007, Lord Bassam of Brighton responded to Lord Tyler on the issue of detectors in aircraft curiously stating, 'The principle of better regulation is to legislate only where necessary', he considered that there was not enough proof that contaminants existed in an aircraft cabin, but added that they would be guided by the conclusion of the Committee on Toxicity (COT) in due course. Lord Bassam also advised of the 'possibility of collaborative research' between the CAA

and the Federal Aviation Administration (FAA). On 22 February 2007, Lord Hunt of Kings Heath confirmed that the Department for Transport will fund an air sampling study to be carried out by the COT. On the same day, responding to Lord Tyler on the issue of whether B-naphthylamine (B-N) is present in aviation lubricating oil, Lord Bassam stated, 'There have been no discussions with the CAA on this substance. The department is not aware of the presence of (B-N) in aircraft cabin air. The Government are not aware of such advice from Exxon. We are aware, from the Exxon-Mobil safety data sheet for Mobil Jet Oil II, that the oil contains N-phenyl 1 Naphthylamine'. The COT enquiry is due to be published with their recommendations in July this year. We shall await its publication, and respond appropriately. In the meantime, the professional victims endure misery and derision; the passengers on Mrs X's aircraft report an ever growing list of symptoms, and hold a real fear that they will suffer the same fate as the professional crew members. We were touched by the quiet nobility displayed by both professional crewmen and passengers alike; theirs is a just cause, and should touch the common decency inherent in the human condition. Perhaps politicians and executives should remember this; when they look into the eyes of their children, enjoy the trappings of their status, that no matter how loud they promote their arguments, the voice of the victim will be louder still!



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## HolidayTravelWatch Clinic™ - Case Study:



***“We explored the shop window of this ‘agent’ and discovered layer upon layer of information, each pointing to different parties, referring to terms of conditions, which appeared to be shared, but in some cases, relating to company names to which Mrs Q had never heard of.”***

Mrs Q decided that she would organise the family holiday through a DIY holiday method. She sought to do so through a well known online brand, who promised to provide a seamless operation, with a money saving benefit over her traditional package holiday purchase. Mrs Q noted that she was booking through an ABTA member, and considered that she would not only be obtaining a good holiday deal, but that she would be booking through a recognised brand, with the added bonus of dealing with an ABTA member. The holiday was put together through the use of an online search,

and finalised through the telephone agent helpline. She was provided with one invoice, paid one price, and purchased flights, hotel, and transport to/from the destination airport. However, when she arrived at her destination, she discovered that the hotel was not booked. Naturally, she was concerned, and produced her ‘agents’ confirmation. The hotelier was adamant, there was no booking, and if she were to stay at the hotel, she and her party would have to pay for the entire two week stay. Realising that they had no choice, they decided to pay and try and sort out the problem whilst in resort, and if

necessary upon their return to the UK. After many expensive calls to the UK, they determined that the conditions of the contract precluded the ‘agent’ from any liability, they had only acted as conduits between Mrs Q and the ‘bed booker’. If she had a dispute with anyone, it was with the ‘bed booker’, and possibly the hotel. Mrs Q decided that they would try to deal with the matter on their return to the UK. Again they discovered that the ‘agent’ would not accept any liability, leaving Mrs Q without any explanation of why things went wrong, and being considerably out of pocket!

### Suggested Resolution:

The dilemma faced by Mrs Q revealed a common problem now faced by many innocent holidaymakers. The idea of contract is that it is an agreement made by two consenting, but equal parties. However, the notion that equality of position exists in contract is somewhat illusory. Given the reality, it is perhaps incumbent upon the stronger party to ensure that the weaker party understand clearly what kind of contract they are entering into. The simplest way to achieve this is to clearly state what position the parties hold, and what rights they enjoy. Why then did Mrs Q not understand the

nature of her agreement with this ‘agent’? We explored the shop window of this ‘agent’ and discovered layer upon layer of information, each pointing to different parties, referring to terms of conditions which appeared to be shared, but in some cases, relating to company names to which Mrs Q had never heard of. We found that only if you were determined to search for this information, would you find it; Mrs Q had never received any copy contract. She was angry that whatever the nature of her dispute, it was an ABTA member who had sold her a holiday (which she believed was a package

holiday), and as such, was sold without due care and attention. We advised Mrs Q on how to manage evidence collection, and to use the clause within the ‘agents’ terms which potentially made them liable where they had been negligent. She will pursue her claim in correspondence, and if appropriate through the MoneyClaims Online Service. We have also advised that she makes a formal disciplinary complaint to ABTA on the failure by the ‘agent’ to provide a good service, amongst other breaches of the ABTA code. We shall continue to advise Mrs Q on these issues to a satisfactory end.

# Guest Article: The AeroToxic Association

The Aerotoxic Association was officially launched at the Houses of Parliament, London on 18<sup>th</sup> June 2007. But where does the word 'Aerotoxic' come from?

The term aerotoxic syndrome was proposed in 1999 to describe the association of symptoms observed amongst flight crew such as pilots and flying officers or cabin crew such as flight attendants, cabin managers exposed to hydraulic or engine oil vapours or mists.

Does this refer to exhaust fumes or fuel vapours from aircraft which are could be damaging to health? No, not many passengers realise that all of the 'fresh' air that they breathe on most jet airliners has come part way through the jet engine. The high pressure air is bled off and called 'bleed air' it is then piped into the air conditioning units and finally into the cabin to provide pressurised air, necessary to sustain life at high altitude where the air is thin.

Prior to the mid 1960's all of the air on board was indeed fresh but then engineers discovered that they could save a lot of weight by using the bleed air alone.

This is all well and good while the system is in good condition, but as with all mechanically driven equipment, it can become worn and leaky. The jet engine requires oil for lubrication and as it gets very hot, it also takes surplus heat away. But what if this hot oil were to mix with the bleed air, which is then piped into the cabin?

It is not too hard to imagine that on occasions, the oil

fumes and air could mix to contaminate the air, which is then breathed by everybody on board.

How might the oil fumes be dangerous? Aircraft engine oil has a special additive called tricresyl phosphate or TCP. It is from a group of chemicals called organo phosphates. These were originally designed many years ago to damage the central nervous system of living organisms but they were also found to have other properties. When added to oil, they make the engine last much longer and have some fire retardant properties. In recent years there has been much talk about airline health ailments such as Deep Vein Thrombosis (DVT) and now researchers at The Research Institute for Sport and Exercise Sciences at John Moore's University in Liverpool have written in *The Lancet* that Jet lag may affect passengers, just as much as the aircrew. The symptoms of jetlag are poor and interrupted sleep, mood changes, headaches, irritability and gastrointestinal difficulties.

However, the warning on the oil tin and on Manufacturers Chemical Data Sheets states:

Warning!:

-Contains tricresyl phosphate  
-Swallowing this product can cause nervous system disorders including paralysis

-Prolonged or repeated breathing of oil mist, or prolonged or repeated skin contact can cause nervous system effects.

So here we have very similar symptoms and a definite possible cause of ill health. What then may be the cause myste-

rious ill health on aircraft? Jet lag or simply breathing contaminated air or a combination of both.

Extensive medical research by respected independent International Scientists in recent years has shown that some pilots and cabin crew have become chronically and acutely sick from contaminated air; equally many have no symptoms. TCP has even been found covertly on the walls of the aircraft by swab testing.

Over a hundred MP's from the UK House of Commons are now demanding that existing jet aircraft have filters fitted to remove any contaminants. Each filter system would cost around £15,000. The fitting of contaminated air detectors on board would also seem a sensible and long overdue move on behalf of aircrew and passengers, who readily and trustingly place their health and well being in the hands of the Airlines. It must be remembered that everybody, from the aircrew to low cost passengers and Royalty, breathe the same air on jet aircraft which use bleed air. One may well ask why aircraft manufacturers aren't going back to the pre 1960's technology. Coincidentally perhaps, that is exactly what is happening; jet engine bleed air is beginning to go out of fashion now in favour of electrically compressed air. In the short term, perhaps aircrew and passengers would be wise to fit their own nose filters. Aerotoxic Association has been specifically set up by prematurely retired ill health air crew to support, inform and represent other pilots, cabin crew, engineers and passengers. If you are exposed to abnormal fumes on an aircraft, worry. The answer may be under your nose.

The Aerotoxic Association was formed to represent and advocate on behalf of pilots and cabin crew. It has been set up to provide a support network for aircrew, and to bring to the public attention, the issues relating to AeroToxins within aircraft. The Organisation seeks to change the manner in which air supply into aircraft cabins is introduced, and to remove the potential for toxins to enter the aircraft and affect the pilots, crew and passengers.

Websites:

[www.aerotoxic.org](http://www.aerotoxic.org)

[www.toxicfreeairlines.com](http://www.toxicfreeairlines.com)

[www.co-gassafety.co.uk](http://www.co-gassafety.co.uk)

[www.aopis.org](http://www.aopis.org)

[www.silasafefly.com](http://www.silasafefly.com)

## How Green is Your Travel? The Flight Debate.



***‘The tobacco industry fouled up the world while denying it as much as possible for as long as they could. If the travel industry rosily goes ahead as it is doing, ignoring the effect that carbon emissions from flying are having on climate change, we are putting ourselves in a very similar position to the tobacco industry’***

There is a real and growing recognition, that our heavy reliance on chemicals, is causing great harm to the Planet Earth. There are many dire predictions as to the outcome, with some believing that by the middle of the 21st century, sea levels will have risen, our coast lines will be affected, and our weather patterns wreaking havoc on our economic and social environment. On 14 June 2007, The Independent headlined, ‘Scientists challenge major review of global reserves and warn that supplies will start to run out in four years’ time - A WORLD WITHOUT OIL’ This comment was spurned by the BP review of oil supplies which apparently stated that it was ‘proven’ that there was another 40 years supply of oil left. There is a spirited debate between those who believe that the supply is steady, sustainable, and will see us through to the advance of new technologies, and the ‘peak oil theorists’, these being of the view that the exploration and extraction of oil, has now passed the point where such supplies can easily be extracted; such supplies are now limited by geographical and political frustrations. If the peak theorists are correct, then the advance of air travel will surely be halted in its tracks, with the environment being the winner? On 9 May 2007, The Guardian published a review of the consequence of flights under its headline, ‘Flights reach record levels despite warnings over climate change’. This remarkable fact stated that rather than the number of flights reducing, presumably on the basis of a

greater consumer demand, globally they have increased. They wrote that the increase in global flights in May 2006 and May 2007 amounted to 113,827. European flights had increased by 5% (UK - 7% all flights, in the low cost sector it also increased by 7%). Flights in the US, Brazil, India and China showed increases ranging from 3 to 40%. The Guardian accepted that whilst the aviation industry contributed to only 2% of global emissions, campaigners considered that it was nonetheless, ‘the fastest growing source of greenhouse gases, and there is no technological fix’. Andrew Cooper, The Director General of The Federation of Tour Operators (FTO), recently commented in Aviation and the Environment: A Tourism Perspective (12 April 2007) that, ‘Barely a day passes without a strongly worded article appearing in the press, demanding that some form of taxation be introduced on aviation to address its environmental impacts...The travel industry, and the Federation of Tour Operators in particular believe that this approach to be based on a fundamental misunderstanding or misrepresentation of the true environmental impacts of aviation’. Perhaps he has reason to be concerned for his members, some of whom are aircraft operators for Package or DIY Holidays. They are faced with the debate of decreasing oil supplies, the conclusions of the United Nations Intergovernmental Panel on Climate Change, and the comments of Mark Ellingham (Founder of the Rough Guide Travel

Books) in the Guardian. He stated the view that there was a need to introduce ‘stringent’ green taxes. He argues for a £100 tax on all flights within Europe and Africa, and £250 elsewhere. He has also called for a ‘moratorium’ on all airport expansion. He stated, ‘The tobacco industry fouled up the world while denying it as much as possible for as long as they could. If the travel industry rosily goes ahead as it is doing, ignoring the effect that carbon emissions from flying are having on climate change, we are putting ourselves in a very similar position to the tobacco industry’. Tourism Concern in their recent magazine article ‘Climate Change Debate’ commented on changing consumer habits and how the travel industry was reacting. They reported that, ‘The Tourism Investigation & Monitoring Team reported that IAG Inc, a consulting group hired by airplane equipment manufacturers, airlines and airports, is even portraying climate change scientists and environmental campaigners as anti-development agitators and ‘eco-terrorists’’. In the middle sits the consumer, damned if they do, damned if they don’t! Consumers are being encouraged to ‘offset’ their air travel, but now face the confusing debate between ordinary schemes versus gold standard schemes, and whether they actually create any benefit at all. We take the view that the average consumer will do what is right, all that is required is a courageous political and corporately responsible approach to guide them.

## Are Kids Clubs Safe? The Concern Remains!

The recent case of the Abduction of Madeleine McCann, has highlighted the dangers that lurk below happy smiling resorts. The issue of child safety has undergone a thorough review of how we manage our children's safety and how the authorities react in the event of a serious incident arising. We have already commented that such issues require cool thinking, and a compassionate approach in what is already a very difficult situation. Last October we highlighted a story involving the employment of a resort representative in a children's club. We saw that the company employed this representative and his girlfriend following a telephone interview. This public spirited individual was concerned that young people were being employed without qualification, and more importantly, without a conviction-free certificate from the Criminal Records Bureau (CRB). We challenged the approach of this tour operator, and reported them to the CRB, concerned that holidaymakers were perhaps being unnecessarily exposed to danger. Surprisingly, the CRB advised us that there was no requirement for such checks to be carried out on intending children's representatives abroad, but that it would be best practice if they did. At the time of the Madeleine McCann enquiry, we took part in an interview on Scotland Live. We highlighted the 'representatives case' as raising an issue of concern. The representative from the Association of British Travel Agents (ABTA) commented that he would be concerned

if the offending tour operator were an ABTA member as this would fly in the face of their training and code of conduct. This organisation does not consider that the travel industry is committing wholesale acts of placing children in jeopardy; the industry after all is made up of Mums and Dads, it is inconceivable that they would introduce parents and their children into risk situations. Consider then the following holidaymaker's story. Mr Y purchased a ski holiday with an ABTA & AITO tour operator. He had been with this operator on previous holidays, and preferred the more exclusive club environment of the holiday. It was the first holiday whereby his 4 year old daughter could take part in the skiing activity. She was duly enrolled into the resort ski school, through the combined service of the children club in the hotel. Mr Y already had some concerns as to the operation of the club for two reasons. The first concerned the lack of play facilities; this was a club that appeared to rely heavily on the use of a TV and video recorder. Secondly, there was an issue of security. The kids club backed onto a back door running adjacent to a main road. One evening, the kids club was broken into and a number of ski items were stolen. Mr Y's concern as to security was not eased when he discovered that this was not the first time that this 'kids club' had been broken into. It was however that management of his daughter's care which led to him

expressing anger at how his daughter was treated. Morning was spent in the kids club, followed by lunch. The children's representative then asked another hotel guest to take charge of this little girl, and deliver her to her school! The lady was stunned by the request, but nonetheless agreed to take her into her care. This holidaymaker was so concerned by this lack of foresight, she informed Mr Y. He was shocked to discover what had happened, particularly as he had witnessed the children's rep snowboarding down the mountain that afternoon. Mr Y complained to the hotel manager who apologised profusely, and this was followed by an apology from the children's rep. Mr Y was so concerned about this lapse in judgement, he wrote to the tour operator. He wrote in March 2007, and is still at this time waiting for a response. However, he has been advised that the Managing Director is travelling around various resorts/countries, and will review the issues at the end of the season! These events occurred before Madeleine McCann was abducted, and we have heard the responsible and structured response from ABTA on the issue of child safety. However, it would appear that not everyone is awake to the message. It is simple; holidaymaker's trust you for their safe passage and care on holiday. A greater care is passed to the Industry when parents entrust their precious cargo into the care of others. Let us hope that we do not have to tie up any more yellow ribbons, simply from their lack of care!



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The next issue of 'Get'away' - Your Route to Travel Rights - will be published on 30 September 2007.

In the next edition read about:

- We again review holidaymakers experiences in the Small Claims Court
- We examine rights for delay under the Montreal Convention
- We update on the issue of AeroToxic Syndrome
- We feature an article from on the relevant standards of child care safety in the UK
- Latest update on the threat to the Package Travel Regulations, and further developments since the Court of Appeal decision
- Plus many more features

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## Current 'Calls to Arms':

Regular visitors to HolidayTravelWatch will be aware that we advise when we have received reports of illness, injury or other contractual problems, either within hotels, on airlines or within cruise ships. Our 'Calls to Arms' are an indication that holidaymakers are not alone, and they may, through our service, discover a range of options to try and resolve their travel dispute. Currently we are dealing with a wide range of complaints. The most serious are the complaints received of illness on board the Nephtis Oberoi (Nile Cruise), Hotel Louis Zante Beach (Zante), Hotel Beach Club (Torremolinas), Hotel Barcelo Premium (Dominican Republic). We are also continuing to deal with serious flight delay scenarios with several Charter Airlines. Importantly, we have started to receive complaints of Aero/Neuro Toxic Illnesses on aircraft. There are also a growing number of complaints regarding price changes, changes of holidays and poor service from DIY Operators. If you, or anyone else you know, have been affected by any of these issues please call our helpline - 01217478100 - or contact us through [www.holidaytravelwatch.com](http://www.holidaytravelwatch.com) On no account accept any offer to settle your claim without seeking independent advices

## HolidayTravelWatch PTR Tip:

Many Holidaymakers complain that they have been sold something in a brochure which is misleading. We have previously examined the position as to what is required in brochures under Regulation 5 of the Package Travel Regulations (Issue 2). Even if the Organiser complies with the requirements of Regulation 5, that is, to ensure that certain information is incorporated into the brochure, how can a consumer be certain that the information is not just viable, but is also accurate? Regulation 4 of the Package Travel Regulations holds that descriptive matter relating to packages must not be misleading. It states, "No Organiser or retailer shall supply to a consumer any descriptive matter concerning a Package, the price of a Package or any other conditions applying to the contract which contains any misleading information". It adds that "if an Organiser or retailer is in breach...[then]...he shall be liable to compensate the consumer for any loss which the consumer suffers in consequence". A word of warning to consumers. In the Holiday Law textbook (Grant & Mason), there are 12 pages of discussion on this issue alone! Before embarking on any action, it would be prudent to carry out your research first, then make your complaint!

## About HolidayTravelWatch:

HolidayTravelWatch was formed from the 'Holiday from Hell' experience of our Founder, Brenda Wall. She and her Husband experienced appalling conditions and several notifiable diseases. She led the first group action under the then fledgling Package Travel Regulations, and won in an out of court settlement. She then formed HolidayTravelWatch, and 11 years later, it remains the foremost consumer travel advice organisation in the UK. HolidayTravelWatch has advised over 130,000 people and guided 46% toward resolving their own claims; the remainder have gone onto win substantial damages. HolidayTravelWatch remains at the forefront of campaigning for safer travel and improved consumer rights protection, and frequently provides advices through media sources. The services of HolidayTravelWatch remain free to the travel consumer.

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