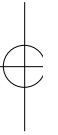


# TRAVEL LAW



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# **TRAVEL LAW**

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## **Cases and Materials**

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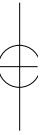
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*To Judith, Betty Lou, and Margaret  
With Whom We Would Travel Anywhere*





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# A Note to Students

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In the Middle Ages, travel was so arduous that the Catholic Church named numerous saints to watch over travelers. Among the more prominent ones were St. Christopher (all travelers), St. Nicholas (business travelers), St. Francis (tourists), St. Anthony (travelers in search of lost articles), and St. Joseph (who later became the patron saint of air travelers).

During the 19th century, it was common for the home of a New England sea captain to have a rooftop porch from which his wife could scan the harbor and catch the first glimpse of his return. Because so many ships never returned, such porches became known by the name “widow’s walk.”

In the event that the seafarer did come back, a pineapple was placed outside the home. Anyone seeing it was automatically invited to come in and join the celebration that inevitably accompanied a safe return. As a result, the pineapple is today recognized around the world as the symbol of the hospitality industry.

Although travel has changed greatly over the centuries, it has remained constant in one respect: it enriches and expands a person’s horizons. One observer has gone so far as to claim: “Not wanting to travel is an indication of a lack of a fundamental human quality as important as compassion and intelligence and courage: curiosity.” Thomas Swick, *The Topic is Travel, the Question is Why?*, Fort Lauderdale Sun-Sentinel, Mar. 16, 1997, at 1J.

We hope that you will find your study of travel law to be like a good trip: filled with fun, notable discoveries, and interesting conversation. We further hope that you will find this book to be like a good map: easy to read, helpful in providing a sense of direction, and useful in finding your way around important landmarks.

A few words should be said about the actual design of this book. First, as you will see from the table of contents, each chapter examines a single travel enterprise. While this is somewhat artificial given that most travel cases involve two or more such entities, we believe our approach represents the most manageable way to cover the material.

Second, many issues cut across different segments of the travel industry. To take just one example, most travel companies have programs that reward their best customers. Rather than repeatedly examining these programs, we discuss them just once, in the chapter on common carriers.

Third, we have heavily edited the cases and other materials that appear in this book to make them more readable. To save you time, we have not indicated where we have made changes except when absolutely necessary.



Fourth, we have included a substantial number of Notes. These form an integral part of the book and should be studied with care. Besides providing important background material and asking questions to test your understanding of the material you have just finished, they serve to introduce the next set of readings.

Fifth, at the end of each chapter, in a section entitled “Popular Culture,” we have listed *non-law* books, movies, television series, and web sites. We have done this for three reasons: 1) travel is pervasive in our culture, and should not be thought of as merely another subject to be studied in school; 2) popular culture often deals with legal issues in a highly realistic manner and is the source of most people’s knowledge about the legal system; and, 3) although most students work incredibly hard, they feel guilty about taking time off to watch a movie, read a novel, or search the web. This is our way of encouraging you to do these things.

Three final thoughts are in order. First, like other fields, the travel industry has developed its own language (although some terms, like “fly by night,” have found their way into everyday usage). We have tried to make this jargon as intelligible as possible. On occasion, however, you may find it useful to consult a good travel dictionary. Two of the better ones are Claudine Dervaes, *The Travel Dictionary* (Tampa: Solitaire Publishing, 1994), and S. Medik, *Dictionary of Travel, Tourism and Hospitality* (Oxford: Butterworth Heinemann, 1993).

Second, the travel industry is among the most dynamic in the world and changes every day. As a result, it is critical that you keep up with it. Because of its heavy emphasis on travel news (due to the fact that 25% of its copies are purchased by hotels and airlines for free distribution to their guests), reading the newspaper *USA Today* is an excellent way to keep up with the latest trends.

Third, we hope you will let us know what you think about our book. Please direct your comments to:

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# TRAVEL LAW

