

M e m o r a n d u m**385.0925**

To: San Jose Auditing
Ray Doying

January 16, 1986

From: Headquarters – Legal
John Abbott

Subject: D--- & B--- Inc. – SC --- XX-XXXXXX
“Official Airline Guide” publication

In your October 29, 1985 note to the legal section, you sent us the “Official Airline Guide”, North American edition, dated October 15, 1985, published by O--- A--- G---, a part of the D--- & B--- Corporation. You ask for our opinion on whether this is an exempt periodical.

The Official Airline Guide consists almost entirely of data concerning scheduled airline flights arranged by city of destination. For each flight listed it includes such information as the city of departure, the times of departure and arrivals, the air carrier providing the flight, the frequency of the flights, and references to connecting flights. This publication states that it is published four times monthly, and this issue includes a fare issue listing the fares in effect for the direct flights listed in the guide. The fare issue is also published four times monthly by Official Airline Guides. This publication also includes other data helpful in using the airline flight information, such as minimum connecting times, flight itineraries, transportation taxes applicable to fares, and an index of the airlines covered by the guide.

Opinion

Our opinion is that this is an exempt periodical within the meaning of Regulation 1590. It is published with the requisite frequency, and is intended to be used by the travel industry as a comprehensive reference source for all or almost all scheduled airline flights to and from the cities covered by the publication. Its comprehensiveness indicates that its purpose is not to advertise or promote the flights of one or more of the airlines listed in the guide.

Our conclusion is supported by two annotations. Annotation 385.0660, dated 11/1/65, which you cite states that tariff supplements issued by the Pacific Southcoast Freight Bureau which are published and distributed every three months to member railroads as correction pages are exempt periodicals. Also, Annotation 385.0920, dated 3/2/67, states that monthly supplements to a basic guide book which sets forth information concerning the freight rates and routings of various

motor freight transporters serving areas in and outside of California are exempt periodicals. In Annotation 385.0920, the basic guide books themselves were not considered as exempt periodicals, but only because they were not issued with the required frequency to be regarded as periodicals. We think the applicable principle here is that if a publication consists of comprehensive data (other than data which is merely proprietary to a particular company or firm) intended to be used as a reference publication, then the data qualifies as information of general interest to a particular group of persons within the meaning of Regulation 1590.

You also ask us to give you some guidelines regarding other publications listed in the "Official Airline Guide" which are available by subscription from the same publisher. These publications include:

- "Pacific Area Travel Planner"
- "Desk Edition Flight Guides"
- "Pocket Flight Guides"
- "Travel Planners"
- "Cruise and Ship Line Guide"
- "Air Cargo Guide"

While we cannot say definitively that these are all exempt periodicals, the descriptions given in the advertising for these publications would appear to indicate that they are all intended as comprehensive data reference publications for members of the travel industry. If so, then you should apply the same criteria as described above for the "Official Airline Guide" in determining whether these other publications are in fact exempt. In the case of the "Air Cargo Guide", I note that the advertising indicates that this guide is a single publication with additional quarterly supplements. The "Air Cargo Guide" itself would, therefore, not be an exempt periodical, but the quarterly supplements would be exempt.

JA:ab