

Obesity and air travel: weighing up the issues

by Martin A. O'Neill

It may soon be the norm for many airline passengers arriving at the check-in desk of any international airline with both stow-away and carry-on luggage to be asked to step onto the weighing scale as the airlines attempt to compete and remain operationally viable in what has become for most a cut-throat and highly litigious operating environment. The author's commentary seeks to highlight a number of the issues surrounding the current impasse. It is also intended to catalyze a more healthy and informed debate aimed at finding an acceptable resolution to this crisis prior to one being imposed which fails to satisfy the needs of either camp.

This issue has found its way onto the boardroom table of most air carriers because of obesity. The one common denominator shared by affluent and under-privileged members of global society alike is threatening to, at the very least, change the economics of the airline game and, at the very worst, potentially ground carriers for what may be perceived as active discrimination and contravention of the civil liberties of obese travelers.

At first glance it seems that yet another section of the community is being victimized by an industry that has long since been accused of flouting the needs of the traveling public in the interests of increased efficiency savings and the bottom line. On scratching a little deeper, however, it quickly becomes clear that the issues (health, safety, legal, and ethical) are a little more complex with logic and common sense prevailing on both sides of the debate. While the academic press has been slow to react to this issue and the very real threats posed to both the airlines and the traveling public, the news media have been making much play of the issues.

Obesity is global

Obesity as defined by the British Heart Foundation¹ refers to an excess amount of body fat. The whole body or just a specific part can be affected, but there appear to be two main types. Central obesity, for

example, refers to fat which has gathered around the abdomen. This may heighten the risk of cardiovascular disease and diabetes. Lower body obesity on the other hand is when these same fat cells choose to settle around the thighs and hips. This is more prevalent in women and has a lower risk of heart disease.

According to the North American Association for the Study of Obesity² it is the number one nutritional problem in the United States. Indeed, NAASO statistics suggest that more than half of all U.S. adults are now considered overweight, with a 61 percent increase recorded from 1991 to 2000.³ As shocking as these figures are, the U.S. is not alone with obesity rapidly becoming a world problem associated with many chronic diseases including heart disease, diabetes, hypertension, and many other common forms of cancer characteristic of industrialized societies.

Nutrition Australia⁴ for example suggests that almost 47 percent of Australian women and 63 percent of Australian men are overweight or obese, and it is estimated that by 2010, 70 percent of Australians will be above their healthy weight range. Similarly, the Association for the Study of Obesity⁵ in the United Kingdom suggests that England and Scotland have one of the fastest growing obesity rates in the world. According to ASO, the obese population more than doubled between 1980 and the early '90s, with latest obesity rates

showing 21 percent of men and 23.5 percent of women over 16 years in England being classed as obese.

Obesity affects airlines

Given the global reach of the phenomenon and the fact that at the same time the international air travel sector has been experiencing one of the most difficult operating climates in its history, it is not surprising that some form of conflict should have arisen. Two issues more than any other have come to the fore as of late: first, the recent increase in venous thromboembolism and the likely causal effects associated with air travel (ATVT) and, second, the issue of so-called pricing discrimination by the airlines in relation to obese people. The former, of course, more commonly referred to as deep vein thrombosis (DVT), has been a recurring subject in the media over the last five years, with many suggesting a link between actual air travel and the incidence of this illness. While the medical jury is still out on this issue, it seems, for the present at least, there is no confirmed link between air travel and DVT. That said, evidence presented at a World Health Organization⁶ Conference held in Geneva in 2001 to discuss this very issue did suggest that "any link between air travel and DVT mainly affected passengers who already had additional risk factors – such as obesity, a history of venous thrombosis, hormone treatment , etc."⁷

Unlike the latter of the two issues, however, arguments surrounding the DVT debate do not in any way suggest any form of discrimination against obese people; rather the most serious charge to date relates to blind negligence on the part of the airlines in relating their health tips for all travelers, whether obese or not. It should be pointed out that, for the most part, the airlines have responded well to this threat, even in the absence of inconclusive medical proof regarding the existence of such a link, with the International Air Transport Association now issuing a guide entitled "Health Tips for Air Travelers."⁸ This document is particularly wide ranging and is intended to serve as a guideline for airlines to use when providing health information to their passengers. It addresses many issues, ranging from dealing with the cabin environment, to travelers with special needs, to stress, fatigue, and jet lag and immobility and circulatory problems. In turn, this has led most airlines to offer in-flight health advice to all travelers in order to minimize and/or prevent any such problems.

Pricing is contentious

The issue of pricing policy, however, is proving a much more contentious subject for all concerned. Enter Southwest Airlines, long heralded as a breath of fresh air within the U.S. travel sector. Southwest has been at the forefront of recent efforts to

re-humanize the airline industry.⁹ Under the guidance of Chief Operating Officer Herb Geller, Southwest has revolutionized the U.S. airline sector over the last 20 or so years and set the standard for others to follow by re-injecting service back into a sector that seemed to forget what business it was in.

From its very inception, Southwest has become synonymous with both service excellence and value for money. However, recently Southwest was pilloried by sections of the regional and national press for its supposed unfair treatment of obese travelers and faced accusations of discrimination, insensitivity, and victimization in relation to its treatment of such individuals. At the heart of the debate is Southwest's pricing policy (Contract of Carriage) which requires that any customer occupying more than one seat be required to pay for that extra seat. This has enraged passions on both sides of the debate causing a frenzy of media stories in relation to what is an already well accepted and practiced airline pricing policy.

One news staff columnist for example, asked, "Would smaller passengers be able to ask for a discount? Do double seat passengers get extra peanut snacks? Wouldn't airlines prefer larger passengers who could help overpower would-be terrorists?"¹⁰ It is unfortunate that the debate has sunk to such levels of ridiculousness and the respective view-

points of both sides overshadowed in the interests of increased copy sales, for as the following will show, the issues are very real and very sensitive for all concerned.

Complaint is filed

Acting for the plaintiff (so to speak) is the American Obesity Association and the National Association to Advance Fat Acceptance (NAAFA). In June 2002 the American Obesity Association filed a complaint against Southwest's policy of charging overweight passengers for an extra seat; the rationale used to challenge Southwest's policy was discrimination based upon size. The case for the plaintiff is best represented by NAAFA's public relations officer Jeanette DePatie, who at a 2002 think tank entitled "Airlines and Fat Passengers" offered the following statement in defense of the rights of obese people:

We at NAAFA are saddened and angered by Southwest Airlines recent decision to enforce their 'person of size policy.' We believe that every person, regardless of body size, has the right to travel free from harassment. Airlines routinely accommodate other groups of passengers with special needs, such as those in wheelchairs, older persons with mobility problems, and children traveling alone. Yet they consistently ignore the special needs of fat passengers.¹¹

DePatie goes on to outline a number of discrepancies with Southwest's supposed fair and impartial policy, stating that among other things it is not always clear when a passenger will be required to buy two seats. She states that the decision often seems somewhat arbitrary and not always handled with appropriate sensitivity.

NAAFA also has a problem with what might be perceived as the rather unfair practice of charging a person for two seats, but preventing them from earning double frequent flyer miles. While Depatie levels much of NAAFA's criticism at the airline's treatment of obese people, the airline manufacturing industry also comes in for criticism:

We feel that today's aircraft simply are not equipped to deal with larger passengers ... The seats do not meet the needs of many of today's passengers. We at NAAFA don't want to take anyone else's space and don't believe anyone should have to be uncomfortable. But at 17 inches to 20 inches, airline seats are very small. In addition, the restroom facilities are extremely small and difficult for large passengers to navigate.

This, of course, is an accusation that most seasoned air travelers, regardless of size, would have no hesitation agreeing with. See Table 1 for a summary of the arguments for and against this policy.

Table 1
Arguments for and against differential pricing policy

Airlines	Traveling Public
<ul style="list-style-type: none"> • Good business sense – customers pay for what they consume • Safety concerns for all travelers • Comfort for all must be considered • Fairness and equity in price of carriage 	<ul style="list-style-type: none"> • Perceived price discrimination based upon size • Policy not applied uniformly • Routine accommodation of other passengers with special needs without penalty • Poor aircraft design

At the heart of NAAFA and other cases is the notion that this is a form of discriminatory pricing and a violation of civil rights laws.¹² Flouted by some as a “fat tax”¹³ it is felt that the practice is inherently unfair and disadvantageous to an already stigmatized section of the community, a charge it seems that other sections of the community are also happy to level in the airline’s direction. The Tall Club, for example, which represents the interests of U.S. citizens over the height of 5 feet 10 inches for women and 6 feet 2 inches for men, filed a suit in 2001 in San Mateo County Superior Court asking airlines to allocate seats with more leg room to tall people who identified themselves to the airline 48 hours in advance.¹⁴ As Thomas Cohen, attorney for the Tall Club, puts it, “We’re not telling them build new seats. We’re saying, you already have ‘em, just don’t put short people in them.”¹⁵

Similarly, the Canadian Transport Agency has recently been forced to deal with this very same issue following a 1997 complaint lodged by a passenger who was forced to pay for one and one-half seats on an aircraft because of her size. At the heart of this complaint was the notion that this individual considered her obesity a disability, which if upheld by the transport agency may have led to the more serious accusation of discrimination. Following a four-year debate, the CTA finally issued a decision on the question of whether obesity could be considered a disability for the purposes of transportation, concluding that “obesity, per se, is not a disability for the purposes of Part V of the Canada Transportation Act.”¹⁶ Further, the agency stated that it could find no evidence which “would support the conclusion that obese persons necessarily experience participation restrictions in the context of the federal transporta-

tion network." This, of course, is similar to the U.S., where the Justice Department, which administers basic civil rights laws, and the Americans with Disabilities Act, has never held that obese people are a protected class or that obesity is a disability.¹⁷ Notwithstanding this, the CTA did find that the evidence presented suggested there may be individuals within society who are obese and who in fact "have a disability for the purposes of the Canada Transportation Act." The outcome was that the agency would look into the merits of individual cases on a case by case basis.

So what of the airlines in all of this? Are they really that insensitive and uncaring as to the needs of obese travelers? There is no doubt that in many cases things could be handled a little differently and with a greater degree of sensitivity, but as the following will show, their logic is for the most part sound.

Four issues surface

From a review of the very sparse literature, there appear to be four issues of concern, which by and large relate to both the airlines and the needs of other passengers. These include common business sense, safety concerns, comfort, and equity.

Looking first at the issue of business logic, the justification is clear; present day economics dictate the need for such a policy. From its humble beginnings

following the end of World War I, the international air travel sector has witnessed unprecedented growth and expansion and at the same time has had to learn to survive during some of most catastrophically turbulent times in recent business history. None is more so than from its entry into the new millennium, when the long-feared threat of global terrorism at last forced its way onto billions of television screens. This, coupled with the ongoing crisis in the Middle East, has led to heightened fears among many travelers over the safety of air transport and a corresponding drop in demand for international air services. While great news from a domestic tourism perspective, this dire operating environment has forced many carriers into liquidation and brought many more dangerously close to the abyss that is the airline graveyard at the Evergreen Air Centre, North of Tucson, Arizona.¹⁸

Indeed, it is one of the great paradoxes of the airline business that in over half a century when air travel has been central to the growth of the mass tourism phenomenon, industry performance has been characterized more by economic hardship, receivership, and bankruptcy than the wealth, growth, and prosperity ordinarily associated with its dependent, tourism. The operating environment of the international airline business has always been such that margins are at best slight and costs for the most part

uncontrollable. To make matters worse, of course, and as has already been shown, the marketplace is characterized by volatility and prone to events and fluctuations far and away beyond the control of any within this sector. While the airlines have been reasonably successful in bringing a form of scientific method to bear upon their capacity in problem solving efforts, the nature of the present-day operating environment dictates that, for many, this is still very much a crystal ball exercise.

It is not surprising therefore, when so many jobs are on the line that airlines should seek to earn as healthy a return as is possible from seat sales. Put simply, there is very little margin for error, given the present cost structure of the business. The Southwest policy is only to charge the appropriate discounted child's fare if an extra seat is determined necessary and to offer a full refund if the aircraft is shown not to be full to capacity.

In defense of the Southwest policy, Steve Dasbach, Libertarian Party chief executive, posits the following, "Why shouldn't a business be able to charge customers more money if they use more of a particular product?"¹⁹ This is the exact point the airlines are making; they are in business to make a profit, and each seat sale contributes to that profit. As such, it makes perfect business sense that the traveler pays for what he or she consumes. Southwest is not alone in this practice. According to

Andrew Compart, a columnist with *Travel Weekly*, "Many of the major U.S. airlines have similar policies. For example, American also requires purchase of a second seat. So does Northwest, which won't offer a refund even if seats fly empty."²⁰

Safety issues surface

The second argument, safety, relates to the interests of all travelers, whether large or small, and is even the subject of a present Federal Aviation Authority inquiry into load factors for smaller regional and or local commuter aircraft. The FAA is seriously investigating whether inaccurate estimates of passengers' weight played a role in the crash of a U.S. Airways Express commuter plane in North Carolina on January 8, 2003. This accident, of course, led to the deaths of all 21 people aboard. In a recent commentary on the progress of the investigation, *USA Today* reported "Using government guidelines, the airline calculated the plane's weight at close to its capacity of 17,000 pounds. But because of passengers' expanding girth, those calculations may underestimate the real load."²¹

This has forced the FAA to insist that commuter plane operators check passengers' weights to determine whether a better gauge is needed. Beginning in May 2003, commuter plane passengers are given a choice: either step on the scale or confess their weight,

which airlines will add 10 pounds to in order to account for cheaters. Precise passenger and luggage weight is crucial on small planes, where several people with a few extra pounds can tilt the plane away from its center of gravity.²²

Before any plane can take off, the pilot must calculate the weight of the aircraft, its passengers, their luggage, and the crew. This is necessary in order to determine what seats should be occupied in order to ensure even weight distribution and balance. This, of course, only relates to small planes, but nonetheless serves to highlight the very serious nature of the obesity problem as faced by the regional commuter airline sector today.

It is difficult to fathom, however, how this argument holds up in relation to the larger national and international carriers and the load-bearing capacities of today's jet aircraft. Clearly, weight isn't as significant a factor when it comes to both getting and remaining airborne.

Comfort concerns arise

The third argument relates to comfort and the in-flight health and safety of all passengers. This, of course, is where the argument gets just a little distasteful for many. According to DiCarlo, "The airlines are in an impossible situation here, and appear to be caving into political correctness: catering to the complaints of a vocal minority while ignoring the comfort of the majority."²³ When confined to single

seats, most obese people have a tendency to invade the space of others around them so much so that they even restrict mobility for other passengers.

This was well publicized in a 2001 high profile dust-up involving a trans-Atlantic commuter and Virgin Atlantic Airways. The commuter apparently suffered leg injuries after being seated next to an obese woman "who spilled over into her seat, reportedly squashing her." This resulted in an out of court settlement of approximately \$20,000 compensation, paid to the commuter in April 2003. The issue is one of disturbance and discomfort for other travelers who feel every bit as justified in voicing their concerns and can be every bit as vocal as those representing the interests of the obese community. It is not surprising then that on this issue the airlines find themselves stuck between a rock and a hard place, where the only fair and reasonable solution is to insist that the rights of all passengers be protected.

Equity must be applied

The final argument concerns this very issue, equity and justice for all air travelers. A case in point is a person of average height, weight, and build, arriving at the airline check-in desk being told that he or she has exceeded the luggage allowance by some 20 pounds. The attendant points out that the flight is full and that extra baggage costs will have to be applied. However, if the next person in line exceeded the

previous person's body weight by as much as 50 pounds, but remained below the normal baggage allowance, he or she would incur no extra charge.

This, of course, is a situation confronting many travelers on a day-to-day basis, and one that on the face of it seems very unfair. Indeed, from a social exchange theory perspective it is unfair. The issue relates to that of both distributive and procedural justice, where procedural justice relates to resource allocation and the perceived outcome or exchange.²⁴ Procedural justice, on the other hand, relates to the means by which decisions are made and conflicts resolved.²⁵ In much the same way as obese passengers feel aggrieved by having to purchase two seats, so also non-obese passengers may feel they have a legitimate grievance in relation to what they perceive as a relatively disproportionate luggage allowance. So where, if at all, is the middle ground on this issue?

Middle ground is critical

Clearly the issues are not as straight forward as the press has made out, with strong and heartfelt arguments on both sides of the debate. The challenge, however, is not to find an accommodation that suits one or other party, but one that is perceived to be fair and equitable to the needs of all travelers. Some have suggested the provision of just a few larger seats on all planes, which could be assigned specifically to the few obese travelers availing of a carrier's services.

Evidence suggests, however, that obese travelers are no longer the exception they once were, and such a small scale solution may not cater satisfactorily to the needs of an ever-increasing obese community.

Airline economics also shoot this proposal down, as such an accommodation would most probably mean increased fare structures for all travelers in order to maintain existing profit margins. This, of course, might be countered by increasing the fare structure for these seats only. It is unlikely, however, that obese travelers will risk paying an increased fare for such a seat when a plane may not fill and extra seats may ordinarily be available free of charge.

Perhaps a more workable solution might be to set a body weight allowance for passengers in much the same way as the airlines currently do for luggage allowance. Simply decide upon a price per pound, set an upper limit above which all passengers are required to pay for two seats, and charge the same poundage rate for all. Passengers would be required to declare their weight at the time of booking their flight; this would be verified at the time of check in by asking all passengers to step on the scale. If a passenger is found to have deceived the airline, he or she should be offered a simple choice, either pay the extra money due for excess body weight or don't board the flight. As much of an inconvenience and as invasive as it might seem, this is most probably where commercial passenger carriage is heading.

Needless to say, the issues are complex and much research needs to be conducted in order to attest to both the airlines' and the consumers' attitudes to each of the issues raised, i.e., safety, comfort, equity, and justice for all.

References

- ¹ British Heart Foundation, *Physical Activity for Weight Loss* (London: BHF, 2003).
- ² NAASO "Obesity in the New Millennium," October 29 – November 2, 2000, Long Beach, California.
- ³ NAASO, "Obesity Fact Sheet," North American Association for the Study of Obesity, Silver Spring, Maryland, 2003.
- ⁴ Obesity Australia, "Obesity in Australia," 2000: (www.annecollins.com/weight_health/obesity-australia.htm)
- ⁵ Association for the study of Obesity, "Obesity Fact Sheet," United Kingdom, Department of Health (1998): 1.
- ⁶ B. Eklof, "Air Travel and Venous Thromboembolism," *Travel Medicine News Share*, World Health Organization Conference, Geneva, Switzerland, March 12 – 13, 2001.
- ⁷ T. Goodyear, "Airline Support for Independent DVT Research," International Air Transport Association News Release no. 8 (2001): 1.
- ⁸ IATA, "Health Tips for Air Travellers," IATA Inflight Services, Geneva, Switzerland, 2003.
- ⁹ *USA Today*, "Southwest Makes Flying Fun," *USA Today* (6 October 2000): 4E.
- ¹⁰ L. A. Chung, "Southwest's policy poses big questions," *Mercury News* (25 June 2002): 1B.
- ¹¹ J. DePatie, "Think Tank: Airlines and Fat Passengers," NAAFA Convention, August 9, 2002, Atlanta, Georgia, 1.
- ¹² M. Pestronk, "Avoiding the 'F' word," *Travel Weekly* (July 8, 2002): 18.
- ¹³ P. Machanick, "Fair Travel Pricing," *MacOpinion* (April 1, 2003).
- ¹⁴ L. A. Chung, "Southwest's policy poses big questions," *Mercury News* (25 June 2002): 1B.
- ¹⁵ *Ibid.*
- ¹⁶ CTA, "Canadian Transportation Agency Issues Decision on a Preliminary Question of Whether Obesity is a Disability," *Ottawa* (December 12, 2001): 1.
- ¹⁷ Pestronk.
- ¹⁸ A. Gillan, "More bones for the plane graveyard," *The Guardian* (6 October 2001): 23.
- ¹⁹ S. Dasbach, "Libertarians defend Southwest Airlines' policy of charging jumbo flyers for two seats," Libertarian party Online, June 21, 2002; (www.lp.org/press/archive.php?function=view&record=590).
- ²⁰ A. Compart, "For Southwest, obesity rule makes for heavy breathing," *Travel Weekly* (24 June 2002).
- ²¹ "New flight risk: Obesity?," *USA Today* (11 April 2003): 12A: ([www.usatoday.com.usatoline/20030130/4823111s.htm](http://www.usatoday.com/usatoline/20030130/4823111s.htm)).
- ²² M. D. Galarza, "FAA may require passengers on small airlines to be weighed," *Centre Daily* (6 February 2003): 1A: (www.centredaily.com/mld/centredaily/news/5123508.htm?template=contentModule...).
- ²³ L. DiCarlo, "Why Airlines Can't Cut the Fat," *Forbes.com*, October 24, 2002: (www.forbes.com/2002/10/24/cx_id_1024obese_print.html).
- ²⁴ J. S. Adams, "Inequity in Social Exchange," *Advances in Experimental Social Psychology*, Leonard Berkowitz, ed. (New York: Academic Press, 1965): 267-299.
- ²⁵ A. Lind and T. Tyler, *The Social Psychology of Procedural Justice* (New York: Plenum Press, 1988).

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