



Distributed in Americas Travel Retail by Haleybrooke International

Covering the Americas & the Caribbean. [parsnip5@aol.com](mailto:parsnip5@aol.com)

## US Court of Appeals upholds lower court's dismissal of DFA lawsuit against Estée Lauder

In the ongoing lawsuit between Duty Free Americas and The Estée Lauder Companies, Inc. that began in 2012, the UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT has affirmed the earlier decision of the District Court to dismiss the lawsuit brought by Duty Free Americas (DFA) against the Estée Lauder Companies, Inc.

The decision was handed down on Friday, August 7, 2015, before MARCUS and WILSON, Circuit Judges, and District Judge THAPAR.

In the gist of the lawsuit, DFA claimed that Estée Lauder's refusal

to do business with DFA, and its communication of that fact to airport authorities evaluating whether to offer rental space to DFA, violates several federal and state laws.

DFA also says that Estée Lauder places anticompetitive restrictions on duty free operators' display space and ability to select their own inventory; it sought injunctive relief from these requirements. Finally, DFA claimed that its competitors disparaged its business methods and financial projections to airport authorities and seeks to hold Estée Lauder accountable for all of those statements.

In the original lawsuit, which commenced on April 26, 2012 in the United States District Court for the Southern District of Florida, DFA asserted four claims against Estée Lauder, including conspiracy in restraint of trade, in violation of § 1 of the Sherman Act, and conspiracy to monopolize, in violation of § 2 of the Sherman Act.

Estée Lauder moved to dismiss under Federal Rule of Civil Procedure 12 and the district court granted the motion, and dismissed the claims without prejudice.

Soon thereafter, DFA amended its complaint. This time, DFA raised three claims: (1) attempt to monopolize, in violation of § 2 of the Sherman Act; (2) contributory false advertising, in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and (3) tortious interference with prospective business relationships, in violation of Florida law.

Estée Lauder again moved to dismiss the claims, and once again, the district court granted Estée Lauder's motion.

Most recently, after the district court dismissed the lawsuit in its entirety, stating that DFA had failed to state a claim, DFA appealed the decision to the higher US Court of Appeals.

In its decision on Friday, the US Court said:

"After thorough review, we affirm [the district court's decision]."



"On each claim, DFA failed to allege basic facts sufficient to state a claim to relief that is plausible on its face. Thus, in pleading its antitrust claim, DFA did not adequately allege that Estée Lauder engaged in predatory or anticompetitive conduct. Nor has DFA come close to establishing standing to seek injunctive relief from the requirements that Estée Lauder places on its competitors, inasmuch as DFA no longer does any business with Estée Lauder.

"As for its false advertising claim, DFA failed to plead sufficient facts from which a court could find that Estée Lauder made false statements, or, for that matter, was responsible for any such statements made by DFA's competitors.

"Finally, the complaint failed to allege any improper conduct sufficient to constitute tortious interference with a business relationship in violation of Florida law."

TMI has requested a comment from DFA and Estée Lauder.

**2<sup>nd</sup> ANNUAL GOLF TOURNAMENT**

**Thurs. Sept. 10<sup>th</sup>, 2015**

**Weston Hills Country Club**

CHILDREN'S TUMOR FOUNDATION  
ENDING NF THROUGH RESEARCH

For more information & registration visit  
[www.DFAGolf.com](http://www.DFAGolf.com)

Anyone wishing to read a full copy of the court decision, please contact Lois Pasternak at [editor@travelmarketsinsider.net](mailto:editor@travelmarketsinsider.net)

## Toronto Pearson hosts first Americas outing for John Dewar & Sons Fine Whisky Emporium

Bacardi Global Travel Retail reports that it has staged a highly successful John Dewar & Sons Fine Whisky Emporium activation at Toronto Pearson International Airport in partnership with The Nuance Group.

This is the first location in the Americas for the John Dewar & Sons Fine Whisky Emporium shop-in-shop concept.

John Dewar & Sons Fine Whisky Emporium showcases the revitalized range of Dewar's premium blended whiskies by highlighting Dewar's Scotch heritage and craft credentials. The additional presence of three of the newly launched 'Discovery Malts' from Bacardi —Aberfeldy, Craig-

ellachie and Glen Deveron — plays a supporting role to Dewar's.

The John Dewar & Sons Fine Whisky Emporium at the airport in Toronto was open at Nuance's Terminal 1 store for a period of 17 days in June, immersing travelers in the world of Dewar's.

The Emporium featured a branded sampling bar and display gondola where the design was inspired by the Nineteenth Century wine and spirits shop that was opened in Perth in 1846 by company founder John Dewar.

The whiskies selected for sampling were Dewar's 15 Year Old, the first permanent new age statement to join the Dewar's range since the turn of the millen-



Nium; Aberfeldy 12 Year Old, Craigellachie 13 Year Old and the Travel Retail exclusive Glen Deveron 16 Year Old.

During the course of the promotion around 4,500 travelers sampled the whiskies in tutored tastings brought to life by highly trained brand ambassadors and educational props.

Conversion and sales rates at the John Dewar & Sons Fine Whisky Emporium exceeded expectations and customer feedback from the activation was very positive. Around 45% of sales were made by LDA travelers aged below 40, proving the activation reached its target: an emerging group of younger shoppers moving into the 'second stage of luxury'. Age statements are a key purchase motivation for this group of shoppers, along with quality cues and engaging brand stories.

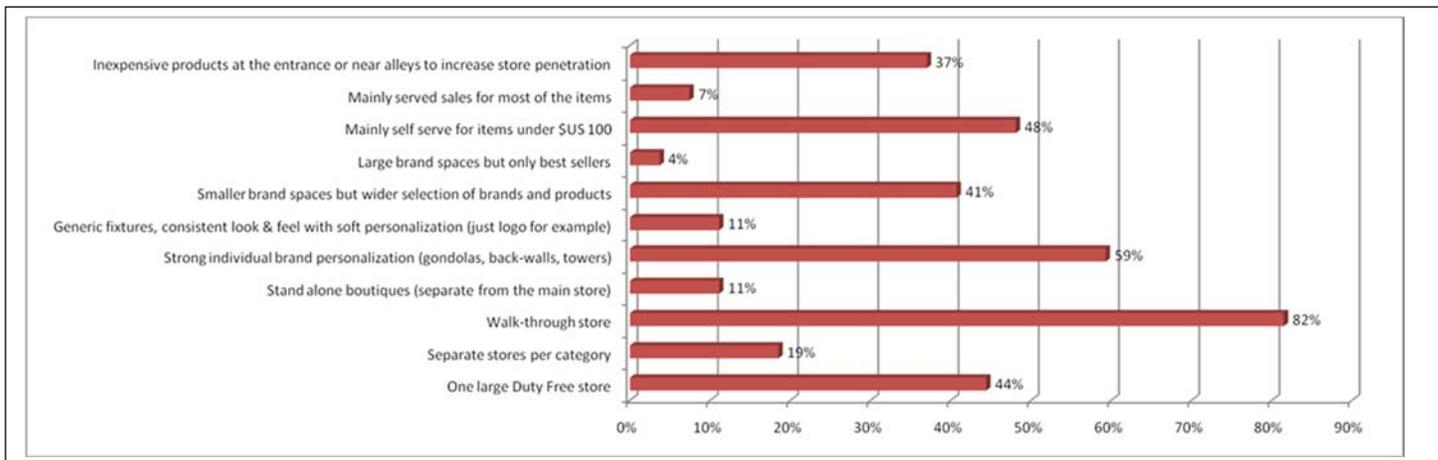
Geoff Biggs, Regional Director, Americas Bacardi Global Travel Retail commented: "John Dewar & Sons Fine Whisky Emporium proved a strong success at Toronto airport, one of the largest international gateways in North America. Our research tell us many whisky drinkers in Travel Retail are crying out for something new and exciting— The John Dewar & Sons Fine Whisky Emporium concept just does that introducing them to exciting new brands of quality and heritage in an engaging and compelling way."

The first John Dewar & Sons Fine Whisky Emporium outlets opened at Paris Charles de Gaulle and Orly airports in April this year in partnership with Aelia. The first Asian location followed in July at Taiwan Taoyuan airport with EverRich Duty Free.





David Ferreira  
dferreira@cross.com



## Barbados reports new air arrivals record and strong Q2 cruise performance

BRIDGETOWN, Barbados -- During the first six months of 2015 Barbados recorded 303,592 long stay visitors, the first time the destination has ever topped 300,000 visitors in the Jan. - June period in the 29 years of recording air arrivals tourism statistics.

Arrivals rose by 14.3% -- or 37,945 more passenger arrivals-- over the comparative period in 2014.

The Barbados Tourism Marketing Inc agency noted that visitor spend was up by 5% though there was a reduction in the average length of stay. BTMI cited a number of macro-economic factors including the UK APD adjustments, which took effect during the last quarter; falling unemployment in the US; and lower oil prices reducing the cost of business and improved travel schedules within the Caribbean region for the gains.

An economic slow-down in Europe, lower oil receipts in Trinidad and the economic challenges in Latin America

represented the major downsides, said BTMI.

The local cruise tourism continued to hold its own during the period Apr. - June of 2015 with preliminary figures showing there were 52 cruise ship calls and 115, 231 cruise passenger arrivals – an increase of six percent in calls and 12 in passenger arrivals for the same period in 2014.

BTMI Chairman Alvin Jemmott commented:

“This exceptional double-digit performance has been credited as the primary reason for the 0.5 percent increase in local GDP and comes against the backdrop of the Caribbean Tourism Organization’s (CTO) five percent growth projection for our region for 2015.

“It also surpasses the global industry forecast issued by the United Nations World Tourism Organization (UNWTO) in January this year for international tourist arrivals to increase by 3 to 4 percent. Indeed, we are even above our own internal target for the year.”

The **Travel Retail Forum’s** David Ferreira recently queried the industry about how the ideal Duty Free store should be organized. The responses are recorded above. What do you think are the most effective layout ideas to improve footfall and raise conversion rates in today’s airport retail? Send your responses to [editor@travelmarketsinsider.net](mailto:editor@travelmarketsinsider.net).





## ACI: Global pax traffic increases 5% in H1 2015

Global passenger traffic increased by 4.2% year over year for the month of June while international and domestic traffic posted growth rates of 5% and 3.6% respectively, according to the latest figures released from Airports Council International (ACI).

Accumulated passenger traffic across the world's major airports grew by 5.7% for the first half of 2015, showing relative resilience considering the economic uncertainty from the Greek debt crisis and the geopolitical risks stemming from ongoing events in Ukraine, the Middle East and West Africa, says ACI.

The fears of a regional and global spillover effect from these events have been contained with

minimal repercussions on air transport.

ACI forecasts that growth in air traffic is likely to be in the realm of 5% once again for 2015 as a whole.

### Year-to-date by Region

#### North America:

Passenger numbers in North America continue to report growth above trend. Considering the maturity of the North American aviation market, growth of 4.2% is coinciding with the ongoing resurgence of the United States economy.

Chicago (ORD), the region's second busiest airport, has seen its domestic traffic grow by over 10% in the first half of 2015.

Atlanta (ATL), the world's busiest airport, increased by 4.4% on a year-to-date basis in 2015. If the airport continues to grow at this rate for the rest of the year, it will reach the 100 million passenger mark by the end of the year.

#### Latin America-Caribbean:

Despite the ongoing weakness in the economies of Brazil and

Argentina, the Latin American-Caribbean region has achieved growth of 5.6% for the first half of 2015.

The increases in traffic are largely attributed to the burgeoning domestic markets of Mexico and Colombia. Both Mexico City (MEX) and Bogota (BOG) experienced double-digit gains in passenger traffic of 12.4% and 11.3% respectively up to June 2015. On the other hand, São Paulo (GRU), Brazil's busiest airport, experienced no change with respect to year-over-year growth over the same period.

#### Europe:

The Euro area continues to bounce back with passenger traffic rising by 4.6% on a year-to-date basis. Most of the major airports that were crippled by the earlier days of the Euro area crisis saw a revival in 2014. Madrid (MAD), Spain's busiest airport which experienced a contraction in passenger numbers in 2013, recorded growth of 11.4% in the first half of this year.

Istanbul (IST) continues to climb the rankings among the

world's busiest airports with growth of 6.4% on the year, although the growth is slowing with respect to previous years.

London-Heathrow (LHR), the region's busiest airport, posted gains of 1.3% in the first half.

#### Asia-Pacific:

Asia-Pacific airports reported passenger traffic up 8.3% for the first half of the year, with international traffic up by 9.8% and domestic traffic up by 7.5%. Beijing (PEK) grew by 6% in the first 6 months of 2015, which is higher than year-over-year growth rates in 2014.

Shanghai (PVG), the second busiest Chinese airport, posted double-digit growth of over 18% over the same period.

The number two ranked airport in Asia-Pacific and Japan's busiest airport, Haneda (HND), grew by 4.8% from January to June 2015 compared to the previous year.

#### Middle East:

Middle Eastern airports continue to achieve the highest growth among all regions at 8.8% for the first half. Doha (DOH) and Abu Dhabi (AUH), the region's second and third ranked airports, grew by 14.4% and 17.3% respectively.

Dubai (DXB), the region's busiest airport and the world's busiest airport for international passenger traffic, grew by 10.4% in the first half of 2015.

#### Africa:

African air passenger traffic continues to recover with modest growth of 2.3% in the first half of 2015. Growth prospects remain limited in the short term.

Johannesburg (JNB), Africa's busiest airport, ended the first half with 2.7% gains in passenger numbers. Cairo (CAI), North Africa's busiest airport and gateway to popular tourist destinations, saw passenger traffic jump by 7.8% in the first two quarters of 2015 compared to the previous year.

**BEAUTE PRESTIGE INTERNATIONAL - BPI** has immediate openings in the Miami office for the following positions:  
**Commercial Assistant (full-time) -**  
 Candidate must be fluent in English and Spanish and possess exceptional customer service and organizational skills. This position will be responsible for processing orders and assisting the Area Manager with day to day operation.  
 Knowledge of MS Office applications (with strong proficiency in Excel) is a must. SAP knowledge and industry experience is a plus.  
 Use reference  
 \u001Amktcrd072015\u001A when submitting resume.

**Merchandising Coordinator (part-time temporary to permanent)**  
 \u001A 20 hrs/wk to assist the Marketing Department with merchandising projects. This position calls for strong proficiency in computer-aided design (CAD) packages, such as AutoCAD and SketchUp, to create/modify designs for counters and in-store displays.  
 Use reference  
 \u001Amrchrd072015\u001A when submitting your resume.  
 Knowledge of French is a big plus.  
 Send resumes to  
[gcamplani@bpi-sa.com](mailto:gcamplani@bpi-sa.com)  
 (Apply only if you are able to legally work in the USA)

Regions	JUNE 2015 % YOY	YTD JUNE 2015 % YOY	YE thru JUNE 2015 % YOY
<b>International passengers</b>			
Africa	-6.3	1.2	5.3
Asia-Pacific	12.2	9.8	7.7
Europe	2.7	4.2	4.9
Latin America-Caribbean	5.4	6.8	6.7
Middle East	6.5	9.3	9.3
North America	5.2	5.0	5.4
World	5.0	6.1	6.1
<b>Domestic passengers</b>			
Africa	-0.5	6.1	6.6
Asia-Pacific	0.4	7.5	7.1
Europe	4.8	5.1	5.0
Latin America-Caribbean	7.2	5.5	5.6
Middle East			
North America	4.6	4.1	3.9
World	3.6	5.4	5.2
<b>Total passengers</b>			
Africa	-5.2	2.3	5.2
Asia-Pacific	4.9	8.3	7.2
Europe	3.3	4.6	5.1
Latin America-Caribbean	6.6	5.6	5.7
Middle East	6.1	8.8	8.9
North America	4.6	4.2	4.1
World	4.2	5.7	5.5

Source: ACI