

## **The complaint**

Miss C is unhappy that she didn't receive the benefit of an advertised promotion when using her American Express Services Europe Limited card in listed merchants.

## **What happened**

Miss C says she wasn't able to take advantage of American Express' Shop Small promotion when visiting certain merchants listed on its online map. Miss C wants American Express to compensate her for the lost benefit.

American Express didn't uphold Miss C's complaint due to the terms of the Shop Small promotion.

Our investigator didn't uphold Miss C's complaint. He said that the terms of American Express' Small Shop promotion say that the merchants listed on the map may change. And that customers should contact the merchant directly to check if they accept American Express cards.

Our investigator said that American Express also includes a disclaimer on the map which says that the data may not be 100% accurate. Overall, our investigator didn't hold American Express responsible for merchants not accepting Miss C's American Express card. So, he didn't ask it to make any payment to Miss C.

Miss C disagrees with the investigation outcome. She says one of the merchants has never accepted American Express cards. Miss C says she would not have spent money with some of the merchants were it not for the promotion.

Miss C doesn't think American Express' terms and conditions mean that it could include any merchant it chooses on the map. She wonders why American Express thought the merchants she visited wanted to participate in the Small Shop scheme. Miss C doesn't think American Express has treated her fairly as a customer. Miss C would like American Express to remove the merchants she visited from its' list.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I agree with our investigator for the same reasons.

American Express' Small Shop campaign paid out a £5 credit for every qualifying transaction completed with Miss C's American Express card. But some merchants listed in the online promotion map declined to accept Miss C's card and she lost out on the promotional credits.

I can understand this was frustrating for Miss C, particularly after she had made the effort to use some of the merchants listed in the map. But I don't consider this was American Express' fault. It was up to each individual merchant to decide if they wish to accept American Express cards or not.

The terms of the Small Shop promotion stated that the merchants on the list may change. And American Express recommended that customers check with the merchants concerned to make sure they accepted American Express cards. The online map also contained a disclaimer that it might not always be 100% accurate. So, I think American Express did enough to warn customers, like Miss C, that they should first check with the merchant that it accepted American Express cards.

I take Miss C's point that one of the merchants told her it had never accepted American Express cards. Although this might be the case, it doesn't change my decision not to uphold this complaint because I think American Express made it clear that the merchant list may not be up to date and accurate. Again, the onus was on the customer to check with the merchant beforehand.

As these transactions weren't completed on Miss C's American Express card, they weren't qualifying transactions under the Small Shop promotion. As a result, I can't reasonably require American Express to pay her the promotional credits for them.

Overall, I don't think America Express treated Miss C unfairly so I don't uphold her complaint.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 7 June 2024.

Gemma Bowen  
**Ombudsman**