

REPUBLIC OF KENYA
IN THE MEDIA COMPLAINTS COMMISSION
COMPLAINTS COMMISSION CASE NO. 12 OF 2024

SYOKIMAU RESIDENTS' ASSOCIATION COMPLAINANT
VS
NATION MEDIA GROUP LIMITED 1ST RESPONDENT
EDITOR, DAILY NATION 2ND RESPONDENT

RULING ON ADMISSIBILITY

A: THE PARTIES

1. The Complainant is a Residents Association drawing its membership from Syokimau Estate.
2. The 1st Respondent is a media enterprise operating in the Republic of Kenya and owns several publications, including the Nation Newspaper.
3. The 2nd Respondent is an employee of the 1st Respondent and is designated as the Editor.

B: PARTICULARS OF THE COMPLAINT

4. The complainant, through a complaint filed on 1st November 2024, stated that the Respondent caused to be published a misleading advertisement that warned members of the public against dealing with LR NO 12715 on behalf of an entity calling itself “Syokimau Farm Limited”.
5. The Complaint claims that the advertisement caused Syokimau Residents Association’s residents to panic because of the misleading nature of the advertisement.
6. Despite a letter from the Complainant to the Respondents pointing out that Syokimau Farm Limited is non-existent due to liquidation pursuant to Gazette notice 11483, the Respondents have ignored their pleas for a retraction and clarification.
7. The Complainant claims that the publication contained misleading information that adversely affected the residents of Syokimau Estate.
8. The Complainant seeks:
 - a) Retraction of the advertisement;
 - b) A published clarification stating: Syokimau Farm Limited was wound up in 2013; LR NO 12715 is no longer in its name.

C: RESPONDENTS' RESPONSE

9. The Respondents deny the advertisement was misleading vide a response dated 4th June 2025.
10. They contend:
 - a) Advertisements fall under contract law, as they merely publish paid content meeting basic morality laws;
 - b) They cannot verify advertisement accuracy pre-publication;
 - c) No proven breach of the Advertiser's Code of Conduct.
11. The Respondents pray for dismissal of the complaint.

D: COMMISSION'S ASSESSMENT

12. Having duly considered the subject matter of this Complaint, the Commission is satisfied that it is seized of the requisite material jurisdiction. In arriving at this determination, the Commission has been guided by the express provisions of the Media Council Act, 2013, and in particular, the jurisdictional mandate conferred under Section 31 thereof.
13. Section 31 of the Media Council Act (2013) provides for the functions of the Media Complaints Commission which are; mediation or adjudication of disputes between the government and the media and between the public and the media and intra media on ethical issues;
14. The Commission is also tasked by the Media Council Act to ensure the adherence to high standards of Journalism as provided for in the code of conduct for the practice of Journalism in Kenya.
15. The Commission is also supposed to achieve impartial, speedy and cost-effective settlement of complaints against journalists and media enterprises, without fear or favour in relation to the Act.
16. The Commission also relies on Sections 32 (c) of the Media Council Act (2013) which grants it jurisdiction to receive, investigate and deal with complaints made against journalists or media enterprises on ethical issues.
17. The issues complained about emanate from a publication of an advertisement by the Respondents and the Complaint was made pursuant to Section 34 (a) of the Media Council Act (2013).
18. Section 34(1) (a) of the Act provides:

I Certify this to be a True copy
of the Original
Sign: *[Signature]* Date: 26 June 2025
REGISTRAR
COMPLAINTS COMMISSION
www.complaintscommission.or.ke
P.O. BOX 43132 - 00200, NRB

A person aggrieved by - (a) any publication by or conduct of a journalist or media enterprise in relation to this Act; ...

E: ORDERS OF THE COMMISSION

1. The Commission determines that, there is a prima facie case in the complaint alleging breaches or violations of the Media Council Act, 2013 and/or the Code of Conduct for the Practice of Journalism in Kenya.
2. The Commission concludes that the Complainant has raised triable issues that warrant a hearing on merit, either through mediation or adjudication.
3. The complaint is hereby admitted.

DATED and DELIVERED at NAIROBI this.....26th.....JULY.....

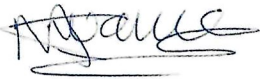


**MR. DEMAS KIPRONO
CHAIRPERSON, MEDIA COMPLAINTS COMMISSION**

I Certify this to be a True copy
of the Original
Sign: *A. Mwangi* Date: *26 June 2025*
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**MS. POLLY GATHONI
VICE- CHAIR, MEDIA COMPLAINTS COMMISSION**



**MR. KANTIM MWANIK
COMMISSIONER, MEDIA COMPLAINTS COMMISSION**



**MS. NASRA HUSSEIN OMAR
COMMISSIONER, MEDIA COMPLAINTS COMMISSION**



**MR. MASEME MACHUKA
COMMISSIONER, MEDIA COMPLAINTS COMMISSION**