



PRESS STATEMENT BY THE KENYA FILM CLASSIFICATION BOARD CHIEF EXECUTIVE OFFICER DR. EZEKIEL MUTUA, MBS, ON THE BANNING OF UNCLASSIFIED CONTENT ISSUED ON 11TH SEPTEMBER, 2018

Our attention has been drawn to several adverts and programs airing on our local broadcast networks without compliance to the provisions of the Films and Stage Plays Act, Cap 222 of the Laws of Kenya and the Programming Code for Free-to-Air Radio and TV stations in Kenya. The Board has flagged some of these programs following close monitoring by our Broadcast Monitoring Unit (BMU) and would like to announce action against the same as follows:

1. The Fresh Fri cooking oil promotional advertisement by Pwani Oil Limited has been **RESTRICTED** due to its use of lewd language and sexual innuendos, utterly unnecessary for the product being advertised. This advert continues to air across television stations yet it has not been submitted to the Board for examination and classification for age appropriateness.

It will be recalled that the High Court Petition No. 10 of 2017 decision that was rendered on 12th May, 2017 by Justice John Mativo held that all advertisements as captured by Section 2 of Cap 222 are films and must be submitted to the Board for examination and classification prior to broadcast. The Fresh Fri cooking oil advert is, therefore, in contravention of the cited judgment, Section 12 of the Films and Stage Plays Act, Cap 222, Section 461 of the Kenya Information and Communication Act Cap 411A, Section 3 of the Programming Code for Free-to-Air Radio and Television Services in Kenya, as well as Regulation 34 of the Kenya Information and Communication (Broadcasting) Regulations.

Consequently, the said advert has been **BANNED** and **SHOULD NOT** be exhibited or broadcast anywhere within the Republic of Kenya.

2. The Board has also **BANNED** an advert by Marie Stopes airing on radio with a message that clearly promotes abortion contrary to Article 26 (4) of the Constitution of Kenya. The advert that targets teenage girls by giving them alternatives to unwanted or unplanned pregnancies is hereby **RESTRICTED** by the Board.

The advert was not submitted to the Board for examination and classification and therefore its exhibition, distribution or broadcasting is in breach of the law.

It contravenes Section 3 of the Programming Code for Free-to-Air Radio and Television Services in Kenya and Regulation 34 of the Kenya Information and Communication (Broadcasting) Regulations and goes against the watershed period (5am-10pm).

The Board demands that the said advert be pulled down immediately and should not be aired until it has been submitted to the Board to determine age suitability. The Board also demands that Marie Stopes issue a public apology for airing such content without submission for examination and classification in line with the law.

The Board is concerned about the increased airing of unpalatable content by most Free-to-Air Radio and TV stations in Kenya which is against the Programming Code and is consulting with the Communications Authority of Kenya to ensure that this trend is stopped. Our Broadcast Monitoring Unit (BMU) has captured many programs containing content that glorifies alcohol, prostitution, abusive and lewd language, obscenity, and sexually implied actions, scenes of violence, drug abuse, and adult content in several TV stations during the watershed period.

We wish to caution media houses to observe self-regulation and promote professionalism in their work.

The Board remains committed to our regulatory role to protect children against exposure to harmful content. Broadcasters have a duty to ensure that their programs adhere to the watershed period and that all content aired on their stations is approved by the Board.



Dr. Ezekiel Mutua, MBS
CHIEF EXECUTIVE OFFICER