



PRESS RELEASE

THE COMPETITION AUTHORITY OF KENYA ISSUES CEASE AND DESIST ORDER AGAINST THE AIRLINE FLY540 LIMITED

FOR IMMEDIATE RELEASE

NAIROBI: Wednesday, 16th November, 2022

The Competition Authority of Kenya ('the Authority') is established by Section 7 of the Competition Act No. 12 of 2010 ('the Act'). The Authority enforces the Act with the objective of enhancing the welfare of Kenyans by protecting consumers from unfair and misleading market conduct, promoting effective competition in markets, and sanctioning abuse of buyer power.

Pursuant to Sections 31 and 70A of the Act, the Authority undertook market screening into consumer-related infringements emanating from **over 50 consumer complaints lodged against the airline Fly540 Limited (Fly540)**.

In furtherance of achieving its consumer protection mandate, the Authority has issued a **cease and desist order** against Fly540 following the sustained complaints, and in order to prevent them from engaging in any consumer-related infringement.

Some of the allegations against the airline are:

- i. False and misleading information on its capability to provide air transport services to passengers and the possibility of amending flight itinerary;
- ii. Arbitrary and/or short notice cancellation of flights; and
- iii. Inordinate delays in refunding consumers.

The Act mandates the Authority to enforce consumers' rights. These include the right to accurate information necessary for them to gain full benefit from goods and services, and **specifically prohibits misrepresentation and false advertising**.

The **ongoing investigations** into the allegations against Fly540 are interrogating whether the airline has contravened section 55 of the Act outlawing false and misleading representation as well as section 56 on unconscionable conduct while undertaking to its commercial activities.

Therefore, in order to protect public interest and prevent serious and irreparable damage to Kenyans, the Authority has issued a cease and desist order to the airline pursuant to section 37 of the Act.

Fly540 is hereby directed to, with immediate effect, cease and desist from advertising flight bookings through electronic, print and social media or receiving any flight bookings from the Public or travel agents until the ongoing investigations are completed. Fly540 has also been ordered to refund customers with outstanding ticket refund claims by 30th November, 2022.

Consumers can also lodge their complaints through our Public Portal which is accessible via <https://competition.cak.go.ke:444/>

[Ends...](#)

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