LEGAL STATUS OF MALAYSIAN LOGO AND THE APPLICATION OF MALAYSIAN LAWS TO THE MISUSE OF THE HALAL LOGO.

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ABSTRACT

Halal food industry is a growing business and not being explored fully. The huge Muslim markets with estimated population around 1,599,500,000 in 2010 and expected to increase around 2,761,480,000 by 2050 (Base on the finding of Pew Research Centre, USA) and with the global market estimated to be USD 2.3 billion per annum show that the market of halal food is good and lucrative. Currently, Halal business is not solely confined to Muslim community and it gained much attention locally and globally especially concerning halal labelling and other abuse associated with it. In Malaysia, the question is whether there is an appropriate action taken by Malaysian authority on abuse of halal food labelling? This paper will analyse how various acts and regulations introduced by Malaysia apply to the abuse of the Halal logo. It will, for example, look at Consumer perception on the Halal logo; misuse of the Halal logo; and how the law deals with the misuse of the Halal logo. It will then go on to explore the misuse of the Halal logo in Malaysia by analysing the legal implication, and it will look at the question of foreign Halal logos and false labelling. In addition, there will be an exploration of the law concerning the Halal logo; i.e., The Food Acts 1983, The Consumer Protection Act 1999, The Trade Descriptions acts 2011, The Trade Description (Certification and Marking of Halal) Order 2011 and some of the case law arising therefrom.
Keywords: *Halal*, Administrative sanction, label. Halal certification, consumer protection, halal standard, halal manual.

(a) Introduction

In Malaysia, where Muslims make up of 60.4 percent of the population, there is a concern with the *Halal*ness of food, because generally, the *Halal* logo increases public trust and confidence in brands and products\(^1\). According to Ballin, accurate\(^2\) labelling is important to inform consumer choice\(^3\). This is important because Muslim consumers had less time to check or obtain the necessary information on the products to satisfy their conscience when making a purchase; and this was particularly true the one thing consumers believed they could rely on was the determination of the *Halal* status of a product\(^4\).

Rezai, in his study found that, displaying JAKIM *Halal* logo on the food products is an important determinant for consumer’s confidence, and the effect is positive\(^5\). This finding indicates an increasing likelihood to be confident with manufactured food products with JAKIM *Halal* logo rather than others. According to the results, the level of confidence on JAKIM *Halal* logo is 3.321 times higher than other *Halal* logos in Malaysian food markets\(^6\). Meanwhile reading or looking at the list of ingredients would be less likely to be trusted by consumers\(^7\). It can be concluded that consumer rely on JAKIM *Halal* label more than the list of ingredients. However, the Halal logo and the accurate labelling are both important and needed to ensure that the consumers get what they really want. Currently, other than Malaysia

\(^1\) Golnaz Rezai, ‘Consumers’ Confidence in Halal Labeled Manufactured Food in Malaysia’ (thesis, Universiti Putra Malaysia 2008) 1.33.
\(^2\) Authenticity problem may occur in terms of origin, substitution, processing treatment and addition ingredients.
\(^5\) Rezai (n 1) 4.49.
\(^6\) Rezai (n 1).
\(^7\) ibid.
Halal logo, there are 73 foreign logos which are recognised in Malaysia by JAKIM/JAIN and MAIN.

Despite a higher level of confidence towards the Malaysian Halal logo, there are a lot of incidents reported by the press involving the misuse of the Halal logo. In addition to that, there are also cases reported by consumer association group such as Consumer Association of Pulau Pinang (CAP) concerning misuse of the Halal logo. Up to December 2012, JAKIM carried out 740 inspections over Malaysia Halal logo on Restaurant premises. Only 308 of the premises comply with the usage of the Halal logo while the remaining of 432 premises were given a warning for the offence of not complying with the conditions of the Halal logo and only eight cases were investigated under the Trade descriptions Act 2011. The company inspected because they carry the Malaysian Halal logo and it shows that 58.37% fail to comply with the criteria set by JAKIM. In addition to this, there are also cases of misuse of the Halal logo where the company never apply to use the Halal logo. They are using fake Halal logos or other company Halal certification. The greatest danger faced by consumers looking for Halal food, lies in the consumption of fake Halal food. It is important for the consumer to identify the genuine Halal logo which is attached to the food or good.

(b) Misuse of the Halal logo and the law

The Halal logo can increase the demand for the product, thus, some of traders take advantage of this situation by abusing, exploiting or misusing the Halal logo. This is one of the problems faced by consumers, i.e., identifying the genuine Halal food products in the market.

However, there are laws governing the marking of the Halal logo in Malaysia. The Government has passed numerous laws directly or indirectly related to the protection of Halal food. There are requirements that need to be fulfil before the Halal logo can be attached to the foods and

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8 As at 24 February 2019.
10 See Section 4.2.1.1
goods. It is important to be aware of the extent to which these rules seek to address the problems associated with misuse of the Halal logo. It will be seen that the statutory rights and regulation offer protection to consumer against misuse of the Halal logo. However, there are differences in the scope of protection, definition of Halal which need further interpretation.

(c) Legal position of Halal logo in Malaysia

Section 2 of the Food Act 1983 defines label as “including any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, painted, embossed or impressed on, or attached to or included in, belonging to, or accompanying any food”. The Halal logo is a mark accompanying food. Any Halal logo attached to food either from JAKIM or other certifiers is considered as label under Section 2 of the Food Act 1983. This is a general provision on food labelling but is also applicable to Halal logo.

Order 4 (1) of the Trade Description (Certification and Marking of Halal) Order 2011 provide 2 requirements that need to be fulfilled before the foods and goods can be described as Halal. Firstly, it must be certified by the competent authority and then marked with the logo as stated in first schedule of the Order. The word ‘and’ in the Order shows that it must be read conjunctively; certified and then marked with Halal. Food producer need to be certified before they entitled to use the Halal logo in their product. If food producer’s use the legitimate Halal logo, there are no legal problem to resolve. However, if they are using it falsely, government can prosecute them for falsely using a Halal logo under the law which is currently in force.

In addition to the above, the Food Act 1983 provides general definition on labelling which can also apply to the Halal logo, while the Trade Description (Certification and Marking of Halal) Order 2011 gives more specific features of the Halal logo that need to be followed by the food industry for Halal marking.

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11 Food Act 1983 s 2.
12 Trade Description (Certification and Marking of Halal) Order 2011, Order 4(1)(a).
The First Schedule of the Trade Description (Certification and Marking of Halal) Order 2011 illustrated Malaysia Halal logos reads as follows:\textsuperscript{14}:

(a) Star with eight edges in the middle of the circle.  
(b) Arabic word –{\textit{Halal}} in the middle of the star; 
(c) Followed by the word {\textit{Halal}} in alphabet;  
(d) Circle with the word ‘Malaysia’ in Arabic and alphabet.  
(e) Small star to distinguish between Arabic and alphabet.  

The {\textit{Halal}} Malaysia logo has been used since November 2003 for the purpose of coordination among the 14 states in Malaysia. Any foods and goods which obtain {\textit{Halal}} certification from JAKIM/JAIN/MAIN shall use the Malaysian {\textit{Halal}} logo. It should be printed clearly on all manufactured products and labelled on each packaging. As in the case of food premises, the {\textit{halal}} logo should be displayed at the said premises. The {\textit{Halal}} logo should be exhibited at the {\textit{Halal}} kitchen or at the particular {\textit{Halal}} section of the restaurant.  

Among the problems concerning {\textit{Halal}} in Malaysia before the amendment of the Trade Description Act 2011, was the self-declaration of {\textit{Halal}} where the producers can declare their product as {\textit{Halal}}, and, if there is any dispute, the onus is on the prosecution to prove that the product is non-{\textit{Halal}}. Consequently, some producers take an advantage of the situation where they produce a product with a fake {\textit{Halal}} logo. It was difficult for the consumer to identify whether the food is genuine {\textit{Halal}} or not, since there are a lot of {\textit{Halal}} abuse cases during that time.  

Due to this, the Trade Description Act 2011 and the Trade Description (Definition of {\textit{Halal}}) Order 2011 was amended. In addition to that, Trade Description (Certification and Marking of {\textit{Halal}}) Order 2011 was passed with aimed to protect {\textit{Halal}} consumer from fraudulent {\textit{Halal}} food.  

\textsuperscript{14} JAKIM, ‘Circular Halal Malaysia Certification No 1/2011’ 8.
To tackle this issue, the government, through Order 4 of the Trade Description (Certification and Marking of Halal) Order 2011 control Halal logo by only recognize one Halal logo as mentioned earlier, and it makes it easier for the consumers to verify the label with the JAKIM if there is any ambiguity concerning food products. This is good for the consumer and avoids confusion since there will be one recognised Halal Malaysian logo. There are few occasions where the business owner use the fake Halal logo in their premise or use the expired Halal logo. Take an example of the case reported by press in Negeri Sembilan, Malaysia. In this case, one restaurant misused the Malaysian Halal logo by displaying it in the entrance of their premise. They displayed the Halal logo even though the certification had expired and the renewal was rejected due to the failure of the company to comply with the Halal standard. In other reported incidents, one factory abused the Halal logo by using another company’s Halal certification. In both examples above, the intention to misuse the Halal logo is there.

There is no way for the consumer to identify the validity of the Halal logo used by the restaurants unless to verify it with the authority if there is ambiguity about the logo.

Due to the amendment of the TDA in 2011, there is some modification in the landscape of Halal law in Malaysia. Based on the Order 4(1)(b), Order 5(2) and Order 6 of the Trade Description (Certification and Marking of Halal) Order 2011, it should be noted that it is not an obligation for the food producer to mark their food as halal. It only specifies that once the food is marked as halal then the trader or the manufacturer/producer of the food is responsible to ensure that the food is genuinely Halal.

All food specified in the Schedule hereto which is halal according to the Trade Description (Certification and marking of Halal) Order 2011 shall not be supplied unless it is marked by a Halal logo indicating that such food is Halal. The Halal logo can only be marked on each product upon approval of the competent authority in Malaysia.

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16 ibid.
17 Trade Description (Certification and Marking of Halal) Order 2011, Order 4.
18 Paragraph 6 of the MS1500:2009.
It is to be noted that both the Trade Description (Certification and Marking of Halal) Order 2011 and Malaysian Halal standard MS1500:2009 are in line with the International guideline for Halal provided by Codex Alimentarius Commission\textsuperscript{19}, known as Codex General Guidelines for Use of the Term “Halal” which is a supplement to the Codex General Guidelines on Claims. This guideline provide basic and general information on how food could be produced and claimed as Halal which stated as follow:

“When a claim is made that a food is halal, the word halal or equivalent terms should appear on the label\textsuperscript{20}. In accordance with “Codex General Guidelines on Claims”, claims on halal should not be used in ways which could give rise to doubt about the safety of similar food or claims that halal foods are nutritionally superior to, or healthier than, other foods”\textsuperscript{21}.

To summarise, Malaysia provided a clear provision on the marking of the Halal logo where the food is claim as Halal, thus, the Halal label should accompany the food.

By contrasts, if the food producers or manufacturers do not use the Halal label on their products, it is not considered a violation of these laws, since application for the Halal label is voluntary in Malaysia. Due to the current regulation, some Muslim consumers prefer to purchase the food from the Muslims seller with the hope that the food is Halal even though the Halal logo is not displayed\textsuperscript{22}.

Apart from the Malaysian Halal logo, there are also problems concerning foreign Halal logos which will be discussed below.

\textsuperscript{19} The Codex Alimentarius Commission is an international standard setting body for food safety jointly administered by two United Nations agencies which are The Food Agriculture Organisation (FAO) And the World Health Organisation (WHO) in 1963. Their role is to develop and harmonised international food standards, guidelines and codes of practice to protect the health of the consumers and ensure fair practices in the food trade. The application of Codex standards is voluntary to its member but in many cases, it serves as a basis for national legislation.

\textsuperscript{20} General Guidelines for Use of the Term ‘Halal’ 1997 para 4.1.

\textsuperscript{21} ibid 4.2.

\textsuperscript{22} Zakaria (n 4) 611.
(d) Foreign Halal logos

Besides the Malaysian Halal logo, there are also foreign Halal logos recognised by JAKIM/JAIN/JAIM in Malaysia\(^{23}\). Order 5(1)(2) of the Trade Description (Certification and Marking of Halal) Order 2011 stated that food and goods shall be marked with the name of the certification body. It is not necessary to mark it with the logo since some of the foreign Halal certifier does not have a Halal logo. This can be seen in the list of foreign Halal certification body recognized by JAKIM as specified in the Schedule 2 of the Order. Based on this Schedule, there are 53 foreign Halal certification recognized by JAKIM and they carry different Halal logo. This number will increase from time to time. As of February 2019, the number of foreign Halal certification body is 78\(^{24}\). A company will be delisted if the requirement\(^{25}\) set by JAKIM is not fulfilled\(^{26}\). There is an example of delisting of Australian and New Zealand Halal meat producers by JAKIM\(^{27}\). This shows that the list is not static. It will increase or decrease. However, for the last 2 years, it shows that the list keeps increasing and there is no tendency that it will be reduced.

\(^{23}\) Trade Descriptions (Certification and Marking of Halal) Order 2011, Order 5.


\(^{25}\) Among the requirement sets are the company loses its legal status by law; failure in monitoring the halal status of the abattoirs and processing plants; and failure to fulfil Malaysia’s requirement on halal certification including failure to submit the six-month report of monitoring and audit activities of the plant in every six months


\(^{27}\) They are delisted because applying ‘thoracic sticking’. Thoracic sticking is severing major blood vessels emerging from the heart by inserting a knife in front of the brisket or sternum. Double cut: first the skin, then, the vessels.
Out of 78 foreign Halal certifiers, only 60 have their own Halal logo while the remaining do not have any logo\(^{28}\). The way of marking is different from the Malaysia Halal logo where the marking of Halal is using the name of the certifier as stated in Order 5(2) of the Trade Description (Certification and Marking of Halal) Order 2011. With the numbers of different Halal logo in the market, again, it is difficult for the consumer to identify the originality of the logo or the name of the certifier, and the problem may occur as what was happened to Malaysia Halal logo before the amendment of the Trade Description Act 2011\(^{29}\). Some of the difference before the amendment of TDA 2011 - there are many logos and some are not certified by the authority, but nowadays, it require a certification from the authority but the number of logo is still huge. The consumer will be confused. The various types of Foreign Halal logos may be open to abuse. In Malaysia, Muslims consume the foods, drinks and manufactured products by looking at Halal logo that authorized by the government agency. Therefore, the Halal logo by which Muslims purchased their daily food and they trust the logo very well.

To overcome this issue, it is suggested that the Malaysian Halal logo is attached together with the Foreign Halal logo or foreign Halal certification name, on the food or goods to help the consumer recognise the right Halal logo. The benefit of this idea is to make it convenient for the consumer, and make it easy to choose Halal product by looking at the Malaysia Halal logo on the food packaging. However, there are two disadvantages. First, it may incur costs of production on packaging. Second, if the Halal foreign certifier is delisted from the list, there will be a problem\(^{30}\) with the existing production since Malaysia Halal logo is attached to the food and good and the certifier is prohibited to use that logo.

(e) False labelling

\(^{28}\) See appendix for the list of the recognised foreign Halal certification bodies & authorities as at February 24th, 2019

\(^{29}\) Some irresponsible producers or manufacturer may take advantage of the different foreign Halal logo in the market because it is quite difficult for the consumer to identify whether the label is genuine or not.

\(^{30}\) The problem here is they cannot use the Malaysia Halal logo and it will incur more cost for repackaging. If they keep using the logo after delisted, they will subject to the misuse of Halal logo.
Next, moving to the false labelling. There are cases where food producers use fake Halal logos, Halal logos with expired certificate or mix non-Halal elements into food which is certified Halal by the authority. These are all examples of false labelling. Malaysia has several provisions concerning false labelling. Section 8 of Consumer Protection Act 1999 (CPA 1999) defines false as misleading or deceptive, and includes conduct, representation or practice which is capable of leading a consumer into error. If the manufacturer, falsely using the Halal logo in their product which is not certified by the authority, they are trying to mislead the consumer to believe that the product is Halal. Section 9(a) of CPA 1999 further specifies that any act that is capable of leading the consumers into error, such as using false, misleading or deceptive information in relation to a product, presentation or practice be prohibited. Section 10 of the Act provide that a false statement inducing the consumer into believing that the goods are of a particular kind, standard, quality, grade, quantity, style or model or that the goods are under any sponsorship, endorsement approval, performance, characteristics, accessories user or benefit is prohibited. For example, if producers fail JAKIM/JAIN/MAIN certification standard, or never apply for it, but use Halal logo in their product, they can be prosecuted for fraud. MDTCC have stated that a total of 29 cases of Halal abuse was reported in 2012 and only 1 case was settled with a compound of Ringgit Malaysia 3 thousand (USD 650), while the rest was seized, and their goods confiscated which values about fifteen thousand Ringgit Malaysia.

Provision in Section 10 of the CPA 1999 is similar to the false labelling provision provided in the Section 7(4) of the TDA 2011, Section 15 and 16 of the Food Act 1983. Section 7(4) of the TDA 2011 provides that, there are three indications of false labelling which are false indication that the good comply with a standard specified, or recognized by any person, or implied by the approval of any person. Section 15 of the Food Act provides that it is an offence for a person who prepares, packages, labels, or advertises food with a specific standard but does not comply with that standard.

31 Director of JAKIM Halal Hub mentioned to Utusan Malaysia on 2 February 2011 that not all Halal logo in the market are genuine. For fake Halal logo, the jurisdiction is under the MDTCC and not JAKIM.

Here, the Acts do not specifically mention any abuse or illegal use of the Halal logo. It can be noted that the law provides a general principle that can be applied to the Halal logo. Thus, this law can also be applied to misleading or deceptive acts in which a product is marked as ‘Halal’ when it is not. Interestingly, until today, no Halal violation has been upheld under this Act.

Next, Section 16 of the Food Act 1983 further stipulates that it is an offence for any person to prepare, pack, label or sell any food in any false, misleading or deceptive manner regarding its character, nature, value, substance, quality, composition, merit or safety strength, purity, weight, age, origin, and proportion.

To obtain a Halal logo, it is necessary for the applicant to fulfil the requirement of the Halal standard\(^{33}\). Misuse of labelling often associated with the failure of the company to comply with the Halal standard. If the trader’s use the Halal logo in their product but it does not fulfil the requirement as prescribed in the standard, it is an abuse of the Halal logo. Since this section will only concentrate on misuse of the Halal logo, this problem will be discussed later in the section concerning issues in Halal standards and certification.

Even though this is a general provision on false labelling, it is a clear provision which can also be applied to the abuse of Halal logo where the trader misuse it. There is also an overlap between these provisions, but the scope of these Statutes is different. The scope of the Trade Description Act 2011 is to promote good trade practices by prohibiting false trade descriptions and false or misleading statements, conduct and practices in relation to the supply of goods and services. While the Consumer Protection Act 1999 is to provide for the protection of consumers, and the Food Act 1983 is to protect the public against health hazards and fraud in the preparation, sale and use of food. When it comes to the misuse of the Halal logo, all these

\(^{33}\) There are various standards or guidelines set by organisations around the world pertaining Halal food standards. For example, Halal food standard ICRIC-MHS-0110 is applicable to 57 of Islamic countries in Organisation of Islamic Cooperation (OIC), Halal food Standard THS24000:2552 is applicable in Thailand, Guidelines of Halal Assurance System is practice in Indonesia, Halal standards ONR14200:2009 in Austria and European Countries is preparing Halal food guideline known as Guidelines on Halal Definition.
provisions can be applied to this problem. This is, indirectly, safeguarding the *Halal* logo from misuse.

(f) How the law deal with the misuse of the *Halal* logo

Order 5\(^{34}\) of the Trade Description (Definition of *Halal*) Order 2011 and Order 8\(^{35}\) of the Trade Descriptions (Certification and Marking of *Halal*) provide a fine and punitive action towards corporation or individual who commit any offence under this Order. The penalty under this provision is severe compared to the previous Trade Descriptions Act 1972 for false trade description to any goods\(^ {36}\). However, both provisions offer a fine, or imprisonment, or both, if

\(^{34}\) Order 5 of the Trade Description (Definition of *Halal*) Order 2011:

‘Penalty
Any person who is guilty of an offence under this Order shall, on conviction, be liable— (a) if such person is a body corporate, to a fine not exceeding five million ringgit, and for a second or subsequent offence, to a fine not exceeding ten million ringgit; or (b) if such person is not a body corporate, to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding three years or to both, and for a second or subsequent offence, to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding five years or both.’

\(^{35}\) Order 8 of the Trade Descriptions (Certification and Marking of *Halal*) Order 2011:

‘Offence
Any person who— (a) certifies that any food, goods or services in relation to the food or goods is *halal*; or (b) supplies or offers to supply any food, goods or services in relation to the food or goods, in contravention of this Order, commits an offence and shall, on conviction, be liable— (A) if such person is a body corporate, to a fine not exceeding two hundred thousand ringgit, and for a second or subsequent offence, to a fine not exceeding five hundred thousand ringgit; or (B) if such person is not a body corporate, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both, and for a second or subsequent offence, to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.’

\(^{36}\) Section 18 of the Trade Descriptions Act 1972 provides that a person who is guilty of such offence is liable to a fine not exceeding RM100,000 or to imprisonment for a term not exceeding 3 years or to both, and for subsequent offences to a fine not exceeding RM200,000 or to imprisonment for a term not
convicted for the offences. Up to date, there are no reported court cases concerning Halal abuse except one case in 1986. In the case of Public Prosecutor v Wee Mee Industries Co Sdn Bhd, the respondent faced two charges. The first charge was for false trade description and the use of word Halal on packets of instant noodles - when they were not; and the second charge related to a false trade description by applying ‘edible vegetable oil’ on packets of instant noodles, which, in fact, contained animal fat. In this case, the respondent was acquitted on the first charge due to a technicality because the prosecutor failed to prove that by the use of the word Halal as defined in the Trade Description (Use of Expression “Halal”) Order 1975, the accused had applied a false trade description. However, the trader was convicted on the second charge. Tan Chiaw Thong J held that the prosecution had not adduced evidence that the expression of Hukum Syarak as express in the Trade Description (Use of Expression “Halal”) Order is applied to the State of Sarawak. The court also found that the witness called was not an expert witness and his evidence did not disclose that Hukum Syarak as defined applied to the state of Sarawak. It is to be noted that Halal is a state matter as provided by list II of the Federal constitution of Malaysia. Jurisdiction of Halal will be discussed in other section since it impacts on the implementation of Halal law in Malaysia.

Before the amendment of the Trade Description Act 2011, food producers can make a self-declaration of Halal. With the amendment of this Act, only Malaysia Halal logo and foreign Halal certification bodies recognised by JAKIM are accepted. The definition of Halal is expanded, and it try to accommodate the representation of Halal which will be discussed later.

Other than the above, the abuse of Halal sign can also be prosecuted in the Shariah court. It is an offence for any person to display or label any food or drink which is not Halal, any sign which indicates that such food or drink is Halal. The offence is punishable with a fine not exceeding 6 years or to both. Further, a body corporate which is guilty of such offence is liable to a fine not exceeding RM250,000 and for subsequent offences to a fine not exceeding RM500,000.

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38 Ibid.
39 Ibid.
40 Ibid.
41 Ibid.
exceeding RM5,000 or imprisonment for a term not exceeding 3 years or both. Interestingly, this provision is only applicable to the Muslim. If the misuse of the Halal logo is committed by non-Muslim or company, they cannot be held liable under this provision.

Section 15 of the Food Act 1983 further provides an offence for any person who label food which is not according to the standard. If convicted, they will be liable for imprisonment not exceeding three years or to fine or to both. Those who apply the Halal logo without fulfil Malaysia Halal standard MS1500:2009 and Halal Certification Manual can be held liable under this provision.

Even though the penalty for those who abusing Halal is severe, but many companies fail to comply with the Halal requirements. The provisions set by the law makers are to the advantage of Halal labelling and the penalty provided by Order 5 of the Trade Description (Definition of Halal) Order 2011 and Order 8 of the Trade Description (Certification and Marking of Halal) Order 2011 is severe. The Authorities should fully utilize the law and penalized the food producers who abuse the Halal food labeling rather than give a warning or fine. This might help to reduce the abuse of the Halal logo cases in the future.

(g) Concluding Observations

This paper provides a useful analysis of how the law deals with the misuse of Halal logo. In general, the provisions relating to Halal logo demonstrate that the provisions and guidelines are sufficient even though there are few issues that might affect the effectiveness of the Halal labelling and open to the Halal abuse. It can be seen that multiple agencies have a power to deal with the abuse of Halal logo. Take the example of false labelling, the MDTCC can take action under TDA 2011, JAKIM can take action under the Syariah Criminal Offences (Federal Territories) Act 1997 and MOH can take action under the Food Act 1983. This is

42 Syariah Criminal Offences (Federal Territories) Act 1997 s 42.
43 ibid 1(2)(b).
44 See Section 28 and 29 of the Trade Description Act 2011.
45 See Section 42 of the Syariah Criminal Offences (Federal Territories) Act 1997.
46 See Section 16 of the Food Act 1983.
an advantage towards Halal development itself since it involves interest of many government agencies.

However, the Halal logo does not have any security features. It is timely to consider whether the Halal industry need a Halal logo with security features. However the costs involved and its effectiveness need to be taken into consideration. In addition, this might not resolve issues of contaminated products with non-Halal elements after obtaining a Halal certificate. Other option should be explored.

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Utusan Malaysia o 2 February 2011

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