

LAWS AND REGULATIONS ON HALAL PRODUCTION

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USIM-HDC HALAL EXECUTIVE PROGRAMME 2010



1. Legislation on halal production is very much needed as the non-Muslim manufacturers also produce food offered for sale

2. To protect the consumers i.e. to ensure that *halal* food producers fulfill their moral obligation towards the consumers to carry out their business fairly, sincerely, transparent and consumer friendly,
3. To facilitate *halal* food trade for both local and global market.

The Act will stand as a guideline to all
Muslim and non-Muslim food
manufacturers

Laws And Regulations

- Trade Description Act: Ministry of Domestic Trade and Consumer Affairs.
- the law is enforced in cooperation with several government agencies:

Department of Veterinary Services, Ministry of Health, Ministry of Domestic Trade and Consumer Affairs headed by JAKIM and at state level it is headed by the State Department of Religious Affairs.

Trade Description Act 1972

Section 10 of the Act 1972 allows the Minister to enact the Trade Descriptions (Use Of Expression "*Halal*") Order 1975.

Section 3 of the Order 1975 allows the use of the expression *“Halal”*, *“Di-tanggung Halal”* or *“Makanan Islam”* in relations to food to indicate that Muslims are permitted by their religion to consume such food item.

- section 3 of the Order has a similar definition of *halal food* with the definition given by JAKIM's Guidelines on Food and Drinks and Goods Utilised by the Muslim 1994.

- Trade Descriptions (Marking of Food) Order, 1975(made under s.11 of the Trade Description Act 1972) requires food which *is halal* according to the Trade Description (Use of Expression “*Halal*”) Order 1975 must not be supplied unless marked with a *halal* label.

Remark/Observation:

- **The Trade Description Act 1975, though it contains a provision for the use of the *halal* label, the Act however does not specify the conditions and the procedure for the grant of the *halal* label**

Custom Order (Prohibition of Imports) 1988

- This Order provides a control over the import of milk and milk products, poultry fat, lard, pig fat and others
- Requires that all meat and livestock imported into Malaysia to be *halal*.

Animal Importation Order 1962

- It is a requirement that all meat and livestock must be *halal*, safe and disease free.
- enforced by the Department of Veterinary Services and the Customs and Excise Department at entry points in Malaysia.

Food Regulations 1985

- **Regulation 11 (1) (c) provides that where the food contains beef or pork, or its derivatives, or lard, a statement of its presence in that food should be written on the label.**
- **Regulation 11 (d):requires that food that contains alcohol to be label as such.**

Observation/Remark

- **Although the Food Regulations 1985 requires the presence of non-*halal* substance to be declared on the label, nevertheless, the provision is insufficient to govern the various matters related to *halal* food production**

Local Government Act 1976

- **Section 20D (1) (a), (b) of the Licensing of Food Establishments (Federal Territory of Kuala Lumpur) (Amendment) By-Laws 1995, requires the licensee to wash utensils used for non-*halal* food separately from those used for the *halal* food**

- It is also a requirement that the utensils used for the *non-halal* food should not be used for the preparation and serving of the *halal* food.
- Sub-section (3) states that if the premises only serves *non-halal* food then the licensee must at all times display on the menu the words “*Non-Halal Food Only*”.

Guideline/Code of Practice

- **Guidelines on Foods, Drinks and Goods Utilized by Muslims**(issued by JAKIM in 1984)
 - 1.to elaborate the use of the term '*halal*', '*ditanggung halal*', and '*makanan orang Islam*' under section 3 of the Trade Description (Use of Expression "*Halal*") Order 1975.
 - 2.also explain to food processors and the public, the *halal* and *haram* aspects as stipulated by *Shariah* law.
 - 3.It defines *halal* food and drinks, slaughtering, processing, handling, labelling and utensils used by Muslims.

General Guidelines on the Slaughtering of Animals and the Preparation and Handling of *Halal* Food.

- issued by JAKIM for the slaughtering of animals and the preparation and storage of *halal* food.
- to be observed by all establishments involved in the processing of *halal* food.
- also applicable to all foreign establishments intending to export their products to Malaysia
- should be used together with existing guidelines on GMP and hygienic sanitary requirements.

MS 1500:2009-*Halal* Food-Production, Preparation,
Handling and Storage-General Guidelines (2nd Revision)

- requirement that the Standard is to be used together with Food Safety according to hazard analysis and critical control point (HACCP) system, General principles of food hygiene and Guidelines on good hygiene practices for small and medium scale food industries towards HACCP MOH/K/MAK/18.03 (GU).

MS 1480.

MS 1514.

INTERNATIONAL STANDARDS ON *HALAL* FOOD

- the World Trade Organization (WTO), SPS (Sanitary and Phytosanitary) WTO Agreement Series, 4, Sanitary & Phytosanitary Measures, Switzerland, 1998, XII-1998-2, 500.
- and TBT (Technical Barriers to Trade)

SPS:

- **The SPS Agreement covers food safety and animal and plant health protection. It gives the governments the right to give priority to health protection over trade. The need for trade restrictions in order to ensure health protection, however, must be scientifically justified, either on the basis of Codex Standards, guidelines or recommendations for food safety, or based on risk assessment.**

- The Sanitary or phytosanitary measures include all relevant laws, regulations, requirements and procedures including, inter alia, end product criteria; process and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transportation of animals, plants.

TBT:

- **The TBT Agreement on the other hand covers mandatory technical regulations and voluntary standards and conformity assessment procedures, with the right of the governments to apply regulations needed to achieve legitimate objectives, including protection from deceptive practices.**
- **The five principles of the TBT Agreement are non-discrimination, harmonization, avoidance of unnecessary trade barriers, equivalence or mutual recognition and transparency.**

Codex Alimentarius:

- **Agreements recognized Codex Alimentarius Commission as the international reference for food standards to protect human health and life. Apart from 'Codex' the other international bodies include the OIE (Office of the Epizootics), addressing animal health and life and the IPPC (International Plant Protection Congress) that looks into plant health and life**

Codex Standard on the Use of the Term *Halal*

- in 1997, Codex adopted the 'General Guidelines for the Use of the Term *Halal*'.
- In the guideline it is stated clearly that there may be **minor differences** in opinion in the interpretation of lawful and unlawful animals and in the slaughter act, according to the different **Islamic Schools of Thought**. As such, the guidelines are subjected to the interpretation of the appropriate authorities of the importing countries.

Manual for the Slaughter of Small Ruminants in Developing Countries

- The FAO Animal Production and Health Paper 49, 1985 sets out the guidelines for the slaughter of sheep and goats in developing countries. The guidelines covers the slaughtering procedures based on religious and traditional observance including Islamic Slaughter.

REGIONAL STANDARDS ON *HALAL* FOOD

- Apart from the international *halal* food standards and guidelines, there are also *halal* food guidelines at the Regional level.
- In 1998, ASEAN adopted the guidelines on *halal* food handling and in 1999 endorsed the [ASEAN Halal Logo](#) with the objective to facilitate trade in the region. The ASEAN Guidelines on The Preparation and Handling of *Halal* Food serve as a practical guide for the food industries in the production and handling of *halal* food.

Administrative Regulations

- **“Halal from farm to table”.**
Authenticity of Halal production does not solely depend on the legal mechanisms but also to the various administrative mechanisms enforced by the relevant government agencies in Malaysia.

- various codes of practice such as Good Manufacturing Practice, HACCP Guidelines, Good Aquaculture Practice (GAqP), Good Animal husbandry Practice (GAHP), Good Agricultural practice (GAP) etc.

LICENSING OF FOOD BUSINESS

- Local Government Act 1976
- Section 72(1)(c) (i) of the Local Government Act 1976 empowers the local authority to license any temporary buildings, stalls or other receptacles used for the sale of any food and drinks.
- The detailed provisions were contained in a number of by-laws enacted under section 73(1) of the Local Government Act 1976.
- “State Authority” is defined under s. 2 of the Local Government Act 1976 as any “City Council, Municipal Council or District Council”, and in relation to federal territory means the Commissioner of the City of Kuala Lumpur appointed under s. 3 of the Federal Capital Act 1960.

ANIMALS AND ANIMALS RELATED ACTIVITIES

- With regards to food safety, it is a requirement that the licence to import animal drugs is to be given to pharmacists only.

- the Poisons Act 1952 (Revised 1989), though not specifically enacted to govern matters related to food, nevertheless, is relevant in the importation and use of veterinary drugs in animal production.

The Poisons Act 1952 came into force in Malaya on 1st December 1952 and extended to East Malaysia on 1st June 1978.

- The Animals (Importation) Order 1962 requires that all meat and livestock imported into Malaysia to be *halal*, safe and disease free.

- Lembaga Kemajuan Perusahaan Haiwan Negara (Control of Slaughter) Rules 1975 was enacted to regulate the slaughter of livestock at the approved abattoir and to permit slaughter outside the abattoir area.
- Section 8(2) of the Act prohibits livestock slaughtered outside the approved abattoir, to be disposed for human consumption unless provided with a warranty that such animal is free from diseases and safe for consumption.

STATES ENACTMENT

- Part III, section 6(1), (2) of the Control and Licensing of Poultry Farming and Poultry Related Activities (Negeri Sembilan) Enactment 1996, provides that no person shall carry out poultry farming or any poultry related activity unless within licence issued under the Enactment.
- Section 9 further provides that any person who operates or carries out any poultry farming or any poultry related activity without licence is committing an offence.
- Similar licensing requirement was imposed by section 6(1), (2) of Control and Licensing of Poultry Farming (Johore) Enactment 1997.

AGRICULTURAL PRODUCE

- Under the Farm Accreditation Scheme Malaysia (SALM), the Department of Environment is given a task to monitor the use of soil and water used in the primary production, to be in compliance with the Environmental Quality Act 1974.

HALAL LABELLING REQUIREMENT

- Section 10 of the Trade Description Act 1972 empowers the Minister to enact the Trade Description (Use of Expression '*Halal*') Order 1975, to regulate the use of the *halal* logo to indicate that such food is legally right and safe for consumption by Muslims.
- Section 11 of the Act empowers the Minister to enact the Trade Descriptions (Marking of Food) Order 1975. Section 2 of the (Marking of Food) Order 1975 requires that all foods that is *halal*, should be marked *halal*.

Observation/Remark

- Although the Trade Description (Use of Expression '*Halal*') Order 1975 provides for the use of the *halal* logo, it is only a brief provision.
- Viewed in the context of the current situation, the Order is insufficient to provide for various aspects of *Halal* food productions such as packaging, storage, transportation and labelling of *halal* food.
- Thus, it is advised that producers and manufacturers of halal production to comply with the existing standards on labelling, packaging, transportation, storage of halal food (MS 1500:2009)

IMPORT REQUIREMENTS

- **import condition is imposed by the Department of Veterinary Services of Malaysia for the import of different types of animals**

- In practice, the following certificates dated within thirty days of import must accompany each consignment.

(1).Veterinary Health Certificate:

that the country of origin is free from animal diseases such as avian influenza and Velogenic Newcastle disease; that the poultry or bird derived from an accredited farm and that the poultry or bird was slaughtered and processed at processing plant that has been inspected and approved by the Malaysian authority.

- **(2).Meat Inspection Certificate:**

that the carcasses, products or parts thereof have been subjected to post-mortem, inspection and free from any contagious disease; that the products or carcasses were handled under sanitary condition and free from any preservative, colouring substance or any foreign substance that is injurious to health and the products are fit for human consumption.

- **(3). *Halal* Certificate:**

The *Halal* certificate is to be signed or endorsed by **competent personnel** of the registered Islamic Organization of the exporting country, certifying that the poultry or birds have been slaughtered according to Muslim rites and therefore fit for Muslim consumption and the products were handled separately from other species of animals.

GUIDELINES AND CODES OF PRACTICE RELATED TO HALAL PRODUCTION

- **Code of Practice for Food Hygiene 1980:**

It is regarded as a main reference to various matters related to the administration of food safety and quality. It governs matters relating to health of food handlers, food hygiene, personal hygiene and general hygiene requirements that are to be practiced at all food premises

- **Guideline for Hazard Analysis Critical Control Point (HACCP) Certification:**

This guideline prescribed the detail requirements to be followed by the food industry for the grant of the HACCP certificate, the application process including the fees, the audit procedures, the auditors, evaluation process, maintenance of the HACCP system, renewal of the HACCP certificate and reapplication process for non compliance with the requirements.

- **Guideline for HACCP Compliance Audit:**

The purpose of the HACCP compliance audit is to provide third party verification that the elements of HACCP and pre-requisite programmes have been implemented for the purpose of certification under the Malaysian Certification Scheme for HACCP (MCS HACCP).

- **Guideline for Certification of HACCP Compliance Auditor:**

This guideline applies to any individual or government agency that wishes to be registered as a HACCP auditor under the Malaysian Certification Scheme for HACCP (MCS HACCP). The purpose of registration is to provide a pool of qualified auditors with the necessary skills and experience to perform HACCP audits

- **Guideline for HACCP Surveillance Audit:**

This guideline prescribes the procedure for conducting surveillance audit and the criteria for selection of surveillance auditors

- **Guidelines on Good Hygiene Practices for Small and Medium Scale Food Industries Towards HACCP:**

This guideline is developed to assist the SMIs to achieve higher standards of food hygiene and sanitation, which covers raw materials, processing, storage, and distribution of final products.

- Food Hygiene Regulations 2009 (MOH)
:March 2009

PROGRAMMES RELEVANT TO HALAL PRODUCTION

- **Veterinary Inspection and Accreditation Services (VHM Logo)**

Observation/Remark

- Although it is a good programme, it is only mandatory for products meant for export market

- **Malaysian Aquaculture Certification Scheme (SPLAM):**
encourage GaaP and the implementation of HACCP, compliance with Aquaculture's Code of Practice (COP) and GaaP are also incorporated into SPLAM.

Observation/Remark

- Voluntary basis. Only aquafarms that produce shrimp for export to the EU, Japan and the U.S are advised to obtain the certification

- **Farm Accreditation Scheme of Malaysia (SALM): Good Agricultural Practice (GAP)**

United States

- *Several Halal Food Acts* have been passed: New Jersey, in the 209th Legislature, March 6 2000, *Halal Food Consumer Protection Act* was enacted to prevent consumer fraud in the preparation, distribution and sale of food represented as *halal*.

The term *halal* is defined as prepared under and maintained in strict compliance with the laws and customs of Islamic religion. The Act generally governs the mode of labelling required for *halal* food.

- **Chapter 54-H.F.No.149 of the Minnesota Statutes, prohibits a person from serving, selling or exposing for sale, food or food products, meat or meat products, or poultry or poultry products that are falsely represented as *halal*.**

- **the State of Illinois, “*Halal* Food Act” on August 17 2001**, provision for *halal* farms. Any dealer who rears animals and claims that they have been reared in the *halal* way is obligated to prove the authenticity of his claim in accordance with the rules adopted by the Director of Agriculture.
- The dealer is also required to place a sign in a visible area on the premises on which the animals are sold or exposed for sale.

- the state of Michigan, on April 29 2002, Public Acts of 2002 (Act NO.207) was amended to have included provision for *halal* food.
- the state of Michigan's *halal* provision generally governs the use of the *halal* label and sale of the *halal* food.

- January 22 2002, section 383c was added to the Penal Code of the state of California.
- Under the Act it is a crime for business and individuals to advertise *non-halal* products as *halal*. It also requires restaurants to clearly indicate if they serve any *non-halal* products. *Halal* food is prepared in strict compliance with Muslim dietary laws.
- A person claiming to certify any meat as *halal*, he himself must be certified by an Islamic certifying body. The Imam has to be warned that they should be careful before certifying any product.

Fatwa/Religious Ruling on Halal Production

- **Bioteknologi Dalam Makanan & Minuman**

Muzakarah Khas Jawatankuasa Fatwa Majlis Kebangsaan bagi Hal Ehwal Agama Islam Malaysia

Source: Muzakarah Khas Jawatankuasa Fatwa Majlis Kebangsaan - 12 July 1999

Barangan, makanan dan minuman yang diproses melalui kaedah bio-teknologi DNA babi adalah bercanggah dengan syarak dan hukumnya adalah **haram**.

Penggunaan bio-teknologi DNA babi dalam pemprosesan barangan, makanan dan minuman belum lagi sampai ke tahap yang boleh dikatakan darurat kerana masih ada pilihan bahan yang lain.

Halal and Consumerism

- Bir halal kelirukan masyarakat Islam



- Lack of Understanding/awareness among the producers/manufacturers

NASI AYAM PERISA ARAK

HIDANGAN DIPERAP DENGAN WAIN HITAM BUATAN CHINA



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KUALA LUMPUR: Segelintir peniaga nasi ayam di sekitar Ibu kota, dikesan sengaja mencampurkan arak atau samu dalam resipi masakan tanpa disedari pelanggan Islam menyebabkan ramai penggemar masakan itu termakan hidangan haram.

LHAT MUKA 4

Jurisdiction:

- Hanya Jabatan Kemajuan Islam Malaysia (Jakim) boleh mengeluarkan logo halal di negara ini dan penggunaannya berkuat kuasa serta-merta.

Lack of Enforcement/Monitoring

Halal tapi fotostat

Pengusaha tidak kisah, pelanggan tidak ambil peduli

JIKA anda kerap mengunjungi restoran khususnya yang dimiliki bukan Islam, mungkin pernah melihat satu daripada dua 'iklan' ini - sijil halal yang dipamer cuma salinan atau sekadar meletak sijil sauliah penyembelihan.

Kepada yang tidak kisah, mereka

hanya melihatnya secara pandang. Jangan cepat percaya kerana kedua-dua sijil itu bukan jaminan restoran tersebut menjual makanan halal.

Namun, di sebuah sikap pengusaha terbabit, premis mereka terus dikunjungi pelanggan Islam, tanda ramai sudah tidak peduli lagi apa yang mereka makan.

▶▶ LAPORAN LANJUT DI MUKA 3



Breach of hygiene Regulation

Guna air berlumut proses tauhu

Eksklusif

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KAJANG – Terlahi menjakkan.

Beginilah keadaan yang boleh digambarkan apabila kilang tauhu kering yang beroperasi bersebelahan kandang anjing di Cheras di sini, setelah diserbu oleh pihak berkuasa semalam.

Paling menyakikan ialah, ribuan botol menghirungi tauhu-tauhu yang sedang dalam proses pengeringan memakainya sebagai alat yang digunakan untuk berkarat dan berak yang dikatakan telah digunakan sejak 11 tahun lalu tanpa ditukar yang baru.

Selain itu, proses membuat tauhu tersebut menggunakan air yang diperolehi daripada sebuah kolam takungan yang sudah berlumut dengan air kotor berwarna kehijauan.

Penggunaan air tersebut diakui sendiri oleh seorang pekerja kilang tersebut yang memberitahu air daripada kolam yang terletak di bahagian belakang kilang tersebut digunakan untuk memproses makanan tersebut.

Malah, kilang anjing liar yang beroperasi di sekitar kawasan kilang juga menjadikan produk makanan tersebut tidak sepatutnya dijual kepada orang ramai di negara ini.

Namun, penemuan yang paling mengejutkan ialah pergunaan kilang tersebut masih menggunakan logo halal yang sudah tamat tempoh sejak Januari 2009 dan perkara itu diadukan oleh wakil dari Jabatan Agama Islam Selangor (JAIS).

Tidak kurang 30 ekor anjing yang dikurung di sebuah kilang itu pula ditunjukkan sedang menjalani proses jagan dan rawatan sebelum dijual sebagai haiwan peliharaan.

Pusat jagan anjing itu yang dimiliki oleh pengusaha lain terletak hanya kira-kira 15 meter dari kilang tersebut. Bersebelahan kilang tersebut ialah kawasan pangasapari dan Sungai Balak.

Menurut Penguasa Pegawai Tadbir Unit Persekitaran Korporat dan Perumahan Awam, Majlis Perbandaran Kajang (MPKK), Kajang dan



SEORANG pegawai penguat kuasa meninjau tempat tauhu dikeringkan di sebuah kilang di Cheras semalam.

surat tarikh sebab kerana melanggar syarat lesen perijinan seperti gagal memastikan kebersihan," katanya kepada *Kosmo!* semalam.

Operasi yang turut disertai oleh Jabatan Kesihatan, Suruhanjaya Syarikat Malaysia (SSM) dan Persatuan Pengguna Islam Malaysia (PPIM) ekoran laporan *Kosmo!* semalam mengenai kewujudan sebuah kilang memproses tauhu kering yang didakwa producah menjahilkan spesis di kawasan kandang ternakan babi.

Jelas Kamarul lagi, MPKJ turut mengemukakan kompaun sebanyak RM1,000 kepada pengusaha tauhu di bawah undang-undang Titi Tindakan dan Industri.

Pemilik kandang anjing itu pula dikenakan RM25,000 dan dlarah merobohkan kandang itu serta merta kerana tidak mendaftarkan perniagaan tersebut.

Walaupun arahan robah dikeluarkan serta merta tetapi MPKJ memberi tempoh selama 30 hari

berhenti, kilang itu turut disuar kerana gagal mematuhi peraturan petenda dan nombor pendaftaran perniagaan.

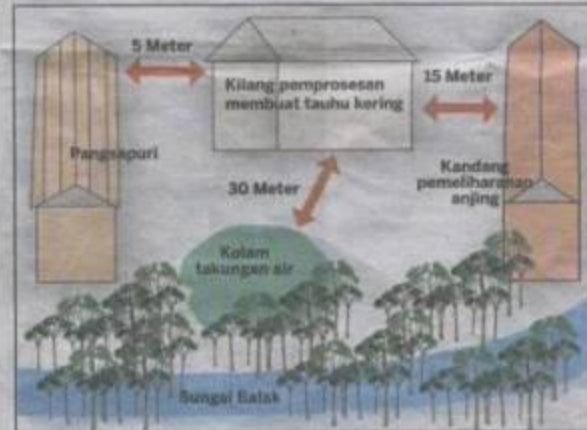
Menurut Ketua Seksiyen Perlesenan SSM, Nurrisasmi Alaga, tindakan tersebut diambil di bawah keroh 17 AIZ yang membolehkan saman denda sebanyak RM100 atau 10 tahun penjara atau dua-duanya sekala.

Ditara pada itu, Jabatan Kesihatan Hulu Langat telah menubuhkan kilang tersebut ditutupkan tempoh 14 hari di bawah s. 17(1) Akta Makanan 1983.

"Dalam tempoh tersebut, mereka perlu membuat kerja-kerja pembaikan dan memulau sanitasi, typhoid kepada semua pekerja, bocoran silang diperbaiki, sistem perparitan perlu diperbaiki dan uia memulau tikas, tikus dan la ditindakan," kata sumber dari badan tersebut.

Ditara pada itu, sampaai p... dan baharu... 4... 1... 1...

KEDUDUKAN kilang tauhu kering di Cheras yang diserbu semalam.



KEDUDUKAN kilang tauhu kering di Cheras yang diserbu semalam.



Expired Product/Physical Contamination

- mendapati logo **halal** yang digunakan oleh pihak roti tersebut telah tamat tempoh setahun 2 bulan yang lalu.



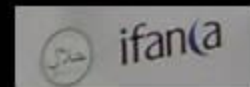
- dead cockroach in a loaf of bread



Unauthorised halal Logo



DONUTS
& COFFEE





LEO'S

Manufacturer's Liability

- Shariah Minor Offences Enactment
Not applicable to non-Muslim.