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.
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”, “Ditanggong 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.
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*. 
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.
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.
Although the Food Regulations 1985 requires the presence of non-\textit{halal} substance to be declared on the label, nevertheless, the provision is insufficient to govern the various matters related to \textit{halal} food production.
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-	extit{halal} food separately from those used for the 	extit{halal} food.
It is also a requirement that the utensils used for the non-	extit{halal} food should not be used for the preparation and serving of the \textit{halal} food.

Sub-section (3) states that if the premises only serves non-\textit{halal} food then the licensee must at all times display on the menu the words “\textit{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.
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.

and TBT (Technical Barriers to Trade)
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.
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.
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.
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.
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.
“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.
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 livestocks 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.
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.
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.
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 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 carcases, products or parts thereof have been subjected to post-mortem, inspection and free from any contagious disease; that the products or carcases 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.
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)
Although it is a good programme, it is only mandatory for products meant for export market
Malaysian Aquaculture Certification Scheme (SPLAM):
encourage GaqP and the implementation of HACCP, compliance with Aquaculture’s Code of Practice (COP) and GaqP are also incorporated into SPLAM.
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)
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.
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
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 Muslim, mungkin pernah melihat salah satu daftarnya dengan 'halal' ini—sijil halal yang diperpanjang walaupun sijil tersebut masih satu kategori atau sekadar meletakkan sijil tanpa melihat pengecualian.

Kepada yang tidak kisah, mereka hanya menghargai sekali pandangan. Jangan cepat percaya karena konsumen sijil itu bukanjaminan restoran tersebut menjadi makanan halal.

Namun, di sebalik sikap pengusaha terbuka, perlu diperkuat juga terus dikukuhkan pengetahuan Islam, karena masih ada pelanggan yang makan ini.

Laporan lanjut di muka 3
Guna air berlumut proses tauhu

KAJANG - Terlibat mengikuti.

Bagi masyarakat yang telah digunakan apabila kilang tauhu kering yang beroperasi berselabah kilang air kering di Cheras di sinilah, selalu diserbu oleh hidup berkurang semula.

Paling menarik adalah, ribuan latihan menghargai tauhu-tauhu yang didapat dalam proses penggaraman dan disedap yang digunakan di belakang dan bawah yang diikutkan telah digunakan sejak 13 tahun lalu tanpa dinikmati yang baru.

Selain itu, proses pembiakan tauhu tersebut menggunakan air yang digunakan diriwayatkan sebelum tahu yang sudah berlumut dalam air kotor berwarna kekuningan.

Penggunaan air tersebut disediakan oleh osorang pekerja kilang tersebut yang memerintah air ditutup kemudian yang terdekat di bahagian belakang kilang tersebut digunakan untuk proses makanan tersebut.

Malah, kebiasa an seiring berkelar di sertai air kerosakan kawasan kilang ini menjadikan produk, makarnya tersebut tidak sepenuhnya dijumpai oleh orang ramai di negara ini.

Namun, penutur yang paling mengejutkan lagi adalah penggunaan logo kilang sosial yang ada di kilang tempat perindangan Januari 2003 dan periksa itu disahkan oleh wakil datang Agensi Air Selangor (AAS). Tidak kurang 20 emisi anjung yang dihambur di selah kilang itu pula disalahgunakan untuk perangai jalan dan rotasi selebaran di jalan belakang pelaburan.

Puan Jamin anjung itu yang dijumpai oleh pelaburan ini terhadap bunga kura-kura 15 meter dari kilang tersebut. Bersebelahan kilang tersebut telah kuras dan perangai di bulan Bulan.

Sedang kilang tersebut di selah kilang itu terdapat kilang tauhu yang berlumut dan berasosiasi dengan perangai.
Expired Product/Physical Contamination

- mendapatkan 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
Manufacturer’s Liability

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