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P.U. (A)

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

TRADE DESCRIPTION ACT 2011
[AKTA 730]

TRADE DESCRIPTION (DEFINITION OF 'HALAL')
ORDER 2011



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PUBLISHED BY
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ATTORNEY GENERAL'S
CHAMBERS

TRADE DESCRIPTION (DEFINITION OF 'HALAL') ORDER 2011

In exercise of the powers conferred by section 28 of the Trade Description Act 2011 [Act 730], the Minister makes the following order:

Citation and commencement

1. (1) This Order may be cited as **Trade Description (Definition of 'Halal') Order 2011**.

(2) This Order shall come into operation on **1 January 2012**.

Interpretation

2. In this Order , unless the context otherwise requires—

“food” includes every article manufactured, sold or represented for use as food or drink for human consumption or which enters into or is used in the composition, preparation, preservation, of any food or drink for human consumption and includes confectionary, chewing substances and any ingredient of such food, drink, confectionary or chewing substances;

“Hukum Syarak” means the Laws of Islam according to Mazhab Shafie, or the Laws of Islam in any of the other Mazhabs of Hanafi, Maliki or Hanbali which are approved by the Yang di-Pertuan Agong to be in force in the Federal Territory, Penang, Melaka, Sabah and Sarawak or the Ruler of any State to be in force in the respective State;

“fatwa” means any religious decree which are verified by the any authority related to the religion of Islam.

“Halal” defined.

3. (1) When food or goods or service in relation to the food or goods used in the course of trade or business is described as “halal” or by any other expression indicating that Muslims are permitted to consume or use such food or goods or service, means the food or goods or service in relation to the food or goods:

- (a) neither is nor consist of or contains any part or matter of an animal that a Muslim is prohibited by Hukum Syarak to consume or that has not been slaughtered in accordance with Hukum Syarak and fatwa;
- (b) does not contain anything impure according to Hukum Syarak and fatwa;
- (c) does not intoxicate according to Hukum Syarak and fatwa;
- (d) does not contain any parts of a human being or its yield which are not allowed by Hukum Syarak and fatwa;
- (e) is safe to be used or consumed, not poisonous or hazardous to the health;
- (f) has not been prepared, processed or manufactured using any instrument that was not free from anything impure according to Hukum Syarak;
- (g) has not in the course of preparation, processing or storage been in contact with, mixed, or in close proximity to any food that fails to satisfy paragraph (a) and (b).

“Service in relation to the food and goods” defined.

4. For the purpose of these Regulations, “service in relation to the food and goods” includes the storage, transportation and retail of such food and goods.

Offence

5. Any person who supplies or offers to supply any food, goods or service in relation to the food or goods which is described as 'halal' or any other expression which is not in compliance with this Order shall be guilty of an offence.

Offence for an act of deceit or mislead

6. (1) Any person who supplies or offers to supply any food through any representation or an act which is likely to deceive or mislead those who have been supplied or offered to be supplied that the food is either "halal" or can be consumed by Muslim commits an offence.

(2) Save in accordance of the interpretation of "representation and conduct" as in subparagraph (1), the representation or conduct includes the usage of holy words of Al-Quran (*ayat-ayat suci Al-Quran*) or any matter or object in relation to Islam either in the premises of which such food is sold or in the container of which such food is supplied;

(3) In any proceeding for the offence under subparagraph (1), the onus in proving that the food which is being supplied or offered to be supplied is "halal" in accordance with paragraph (3) shall lie on the person charged.

Penalty

7. 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.

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